



Journal of the House

State of Indiana

119th General Assembly

Second Regular Session

Thirteenth Day

Monday Afternoon

February 1, 2016

The invocation was offered by Pastor Adam Colter of Cicero Christian Church in Cicero, a guest of Representative Tony J. Cook.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Lloyd B. Arnold.

The Speaker ordered the roll of the House to be called:

Arnold	Kirchhofer
Austin	Klinker
Aylesworth	Koch
Bacon	Lawson
Baird	Lehe
Bartlett	Lehman
Bauer	Leonard
Behning	Lucas
Beumer	Lyness
Borders <input type="checkbox"/>	Macer
Braun	Mahan
C. Brown <input type="checkbox"/>	Mayfield
T. Brown <input type="checkbox"/>	McNamara
Burton	D. Miller
Carbaugh	Moed
Cherry <input type="checkbox"/>	Morris
Clere	Morrison
Cook	Moseley
Cox	Negele
Culver	Niezgodski
Davisson	Nisly
DeLaney	Ober
Dermody	Olthoff
DeVon	Pelath
Dvorak	Pierce
Eberhart	Porter
Ellington	Price <input type="checkbox"/>
Errington	Pryor
Fine	Rhoads <input type="checkbox"/>
Forestal	Richardson
Friend	Riecken
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz
Hale	M. Smith <input type="checkbox"/>
Hamm	V. Smith
Harman	Soliday
D. Harris	Speedy
Heaton	Stemler
Huston	Steuerwald
Judy	Sullivan
Karickhoff	Summers
Kersey	Thompson

Torr
Truitt
VanNatter
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 91: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 20

Representatives Bartlett and Baird introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION honoring Robert Clegg.

Whereas, Indianapolis resident Robert Clegg is training to fight another type of battle;

Whereas, After being in the Army for 26 years, Robert Clegg is now part of a program that trains wounded soldiers in computer forensics to help combat child pornography;

Whereas, The Human Exploitation Rescue Operative (HERO) Corps program was started in 2013;

Whereas, Robert Clegg is in the third class of veterans to be trained;

Whereas, After finishing an initial 11 weeks of training, Robert Clegg has been assigned to the Indianapolis office of the United States Department of Homeland Security, where he'll assist special agents in finding victims of sexual abuse and exploitation and help identify the predators that produce, distribute, and possess online pornography;

Whereas, During his years in the Army, the Carthage, North Carolina, native held various positions, including infantryman, machine gun specialist, platoon sergeant, and drill instructor;

Whereas, Robert Clegg retired from the military in 2012 after receiving a traumatic brain injury in a rocket blast during his second deployment to Afghanistan;

Whereas, After leaving the Army, Robert Clegg took information technology courses through the Wounded Warrior Project, where an instructor encouraged him to apply for the selective HERO Corps;

Whereas, Once Robert understood the responsibilities of the agents of the Department of Homeland Security in fighting online child exploitation, he was eager to help;

Whereas, Robert Clegg's eyes have been opened to how much child exploitation exists, but he is ready and willing to work toward eradicating this evil from the world; and

Whereas, Robert Clegg has served his country and its citizens honorably and with great dedication throughout his life: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks Robert Clegg for his dedicated service to the citizens of Indiana and the nation. Robert has given his life in service to his country, first as a member of the military and, now, as a civilian combating online exploitation of children.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Robert Clegg and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Banks.

House Resolution 15

Representatives V Smith, Summers, Harris, Porter, Bartlett, C. Brown, Pryor, Shackelford, Ober and Lehman introduced House Resolution 15:

A HOUSE RESOLUTION celebrating Black History Month.

Whereas, Black history has been celebrated by Americans each year since 1926, first as Negro History Week and later as Black History Month;

Whereas, Blacks have been in America since colonial times, but it was not until the 20th century that they were represented in history books;

Whereas, The celebration of Black History Month and the study of black history came into being through the efforts of Dr. Carter G. Woodson;

Whereas, Dr. Woodson's parents were former slaves, and he spent his childhood working in the Kentucky coal mines;

Whereas, Dr. Woodson enrolled in high school at age 20, graduated within two years, and went on to earn a Ph.D. from Harvard University;

Whereas, Dr. Woodson was disturbed to find that history books largely ignored the black American population and mentioned blacks only in ways that reflected the inferior social position they were assigned at the time;

Whereas, Dr. Woodson began the task of writing black Americans into the nation's history;

Whereas, Through the efforts of Dr. Woodson, several organizations were established as a way to bring national attention to the contributions of black people throughout American history, including the Association for the Study of Negro Life and History, founded in 1915 (now known as the Association for the Study of African American Life and History), the Journal of Negro History (now known as the Journal of African American History), and, in 1926, the establishment of Negro History Week;

Whereas, Dr. Woodson chose the second week of February for Negro History Week because it marks the birthdays of two men who greatly influenced the black American population: Frederick Douglass and Abraham Lincoln;

Whereas, Black History Month, celebrated in February, acknowledges the achievements of blacks in the military, arts, civil rights, education, entertainment, history, law, literature, medicine, music, politics, science, sports, and other areas;

Whereas, The goal of Black History Month is to bridge the gap created by American history's failure to accurately acknowledge, portray, and record the contributions and inventions of blacks; and

Whereas, Black Americans reflect a legacy of courage and dedication that has helped to guide our nation's success and prosperity: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives acknowledges the many contributions and accomplishments of black Americans throughout the history of the United States and Indiana.

SECTION 2. That the Indiana House of Representatives urges entities and organizations to celebrate Black History Month.

The resolution was read a first time and adopted by voice vote.

Representatives Borders and Rhoads, who had been excused, are now present.

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1068, 1069, 1075, 1110, 1112, 1118, 1180, 1183, 1187, 1209, 1233, 1249, 1254, 1274, 1299, 1340, 1347, 1374, 1382 and 1386.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1370

Representative McNamara called down Engrossed House Bill 1370 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 92: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Engrossed House Bill 1360

Representative Morris called down Engrossed House Bill 1360 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 93: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Brown and Merritt.

Engrossed House Bill 1359

Representative Morris called down Engrossed House Bill 1359 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 94: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Brown.

Engrossed House Bill 1353

Representative Karickhoff called down Engrossed House Bill 1353 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 95: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Crider, Glick, Tallian and Kruse.

Engrossed House Bill 1336

Representative Cox called down Engrossed House Bill 1336 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 96: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray, Holdman and Broden.

Engrossed House Bill 1330

Representative Behning called down Engrossed House Bill 1330 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 97: yeas 83, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse and Rogers.

Engrossed House Bill 1313

Representative Mayfield called down Engrossed House Bill 1313 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 98: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Banks.

Engrossed House Bill 1273

Representative Leonard called down Engrossed House Bill 1273 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 99: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Mishler.

Engrossed House Bill 1231

Representative Arnold called down Engrossed House Bill 1231 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 100: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Tomes and Messmer.

Engrossed House Bill 1222

Representative Burton called down Engrossed House Bill 1222 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 101: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Buck.

Engrossed House Bill 1219

Representative Clere called down Engrossed House Bill 1219 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 102: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pete Miller and Stoops.

Engrossed House Bill 1218

Representative Harman called down Engrossed House Bill 1218 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 103: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Perfect.

Engrossed House Bill 1179

Representative Harris called down Engrossed House Bill 1179 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 104: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse and Rogers.

Engrossed House Bill 1173

Representative Negele called down Engrossed House Bill 1173 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 105: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Leising.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 10**

Representatives Pierce, Saunders, Stemler and Clere introduced House Concurrent Resolution 10:

A CONCURRENT RESOLUTION petitioning the National Park Service to complete the Eastern Legacy Special Resource Study mandated by Congress in 2008 and to recommend inclusion of the Eastern Legacy sites, which include Indiana locations, in the Lewis and Clark National Historic Trail.

Whereas, The Lewis and Clark National Historic Trail was established by Congress in 1978 and extended to the West from Wood River, Illinois, to the mouth of the Columbia River in Oregon and Washington;

Whereas, Section 343 of Public Law 110-229, enacted by the Congress of the United States in 2008, directed the National Park Service to conduct a Special Resources Study to assess the suitability and feasibility of extending the Lewis and Clark National Historic Trail by including the Eastern Legacy sites, the historic routes and sites in the East that were vital to the preparation and planning of the Lewis and Clark Corps of Discovery Expedition;

Whereas, Extending the Lewis and Clark National Historic Trail eastward fulfills the objectives of the National Trails System, established in 1968, to provide for the ever-increasing outdoor recreation needs of an expanding population and to promote the preservation of public access to, travel within, and enjoyment and appreciation of open-air, outdoor areas and historic resources of the nation;

Whereas, Stephen Ambrose wrote in his book, Undaunted Courage, "Lewis tied up at Clarksville and set off to meet his partner, who was living with his older brother, General George Rogers Clark. When they shook hands, the Lewis and Clark Expedition began.";

Whereas, Lewis and Clark recruited and enlisted the first members of the Corps of Discovery before departing down the Ohio River for the West from Clarksville on October 26, 1803;

Whereas, William Bratton of Waynetown, Montgomery County, joined the Expedition near Clarksville and completed the entire journey serving as a hunter, blacksmith, and saltmaker; and

Whereas, Tourism is an important part of Indiana's economy, and completing the Lewis and Clark National Historic Trail to include Eastern Legacy sites such as Indiana's Falls of the Ohio would greatly benefit the tourism industry and overall economy of the state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. The National Park Service in the United States

Department of the Interior is hereby urged and petitioned to expeditiously complete, and provide to Congress, the Eastern Legacy Special Resource Study.

SECTION 2. The report of the Eastern Legacy Special Resource Study shall include a recommendation that the Lewis and Clark National Historic Trail be extended to the east by inclusion of the historically significant eastern corridors of the Corps of Discovery expedition for the period of 1803 through 1809.

SECTION 3. Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each member of the Indiana Congressional delegation, Jonathan B. Jarvis, Director of the National Park Service, and Cameron H. Sholly, Regional Director, Midwest Region of the National Park Service.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Grooms and Stoops.

House Concurrent Resolution 12

Representative Niezgodski introduced House Concurrent Resolution 12:

A CONCURRENT RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of multistate nurse licensure agreements.

Whereas, According to the Indiana Department of Workforce Development and other organizations, there is a great need for more nurses in Indiana;

Whereas, There are nurses who practice near Indiana's borders who have undergone the time and expense to be licensed in more than one state;

Whereas, If a method were in place to allow qualified licensed nurses in another jurisdiction to practice across state lines, more nurses would be encouraged to practice in Indiana; and

Whereas, Adding to the number of nurses available in Indiana would increase consumer access to nursing care: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of examining whether Indiana should enter into a multistate nurse licensure agreement, reciprocity agreements, a multistate nurse compact, or take other action to allow qualified licensed nurses in other states to practice in Indiana without having to obtain a standard Indiana nursing license.

The resolution was read a first time and referred to the Committee on Public Health.

House Concurrent Resolution 14

Representative Goodin introduced House Concurrent Resolution 14:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename that portion of Interstate 65 from Exit 34 to Exit 50 as "John Mellencamp Way".

Whereas, John Mellencamp is known throughout the world for using his music for the betterment of mankind;

Whereas, John Mellencamp has long been recognized as a social activist and humanitarian;

Whereas, Together with Willie Nelson and Neil Young, John Mellencamp helped organize the first Farm Aid concert in 1985

to raise awareness about the loss of family farms and to help raise funds to keep farm families on their land;

Whereas, John Mellencamp's career is closely linked to his upbringing in Seymour, Indiana, where he was born on October 7, 1951, and attended Emerson Elementary, Shields Junior High, and Seymour High School;

Whereas, John Mellencamp lives and works in Bloomington today;

Whereas, Some of his biggest hit songs tell the stories of growing up in the Midwest and about small-town life, including "Jack and Diane" and "Pink Houses";

Whereas, John Mellencamp has received numerous awards and honors throughout his career, including one Grammy Award (Best Male Rock Performer for "Hurts So Good" in 1982), and has been nominated for 12 others, has been bestowed with the Nordoff-Robbins Silver Clef Special Music Industry Humanitarian Award (1991), the Billboard Century Award (2001), the Woody Guthrie Award (2003), and the ASCAP Foundation Champion Award (2007);

Whereas, John Mellencamp was inducted into the Rock and Roll Hall of Fame as part of the Class of 2008, received the Americana Lifetime Achievement Award and the John Steinbeck Award, which is given to those individuals who exemplify the spirit of "Steinbeck's empathy, commitment to democratic values, and belief in the dignity of the common man";

Whereas, John Mellencamp is a friend to Indiana University, and John Mellencamp Pavilion, the primary indoor athletic training facility on the Bloomington campus, was named in his honor after he contributed the lead gift for its construction;

Whereas, John Mellencamp's loyalty to the state of Indiana is displayed through his band that is predominantly made up of Hoosier musicians and through his music that reflects what it was like growing up in rural Indiana;

Whereas, John Mellencamp's body of work and his actions on behalf of mankind have brought positive attention to Indiana and benefited people throughout the state; and

Whereas, John Mellencamp is "the people's performer" whose songs resonate with all people regardless of their culture or background: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes John Mellencamp's many accomplishments as a songwriter, musician, and performer. It is only fitting that proper recognition be given to our "favorite son". Such recognition would be to rename that portion of Interstate 65 from Exit 34 to Exit 50 as "John Mellencamp Way".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation and John Mellencamp.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 15

Representative Karickhoff introduced House Concurrent Resolution 15:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename that portion of U.S. 31 through Howard County as "The Haynes-Apperson Expressway".

Whereas, Kokomo and Howard County have a unique

industrial heritage;

Whereas, This industrial heritage should be recognized in an appropriate manner;

Whereas, Indiana has made a significant investment in transportation infrastructure in recent years, including the construction of the U.S. 31 bypass in Howard County;

Whereas, The roots of many of Kokomo's current primary employers in the automotive and specialty alloys industries can be traced back to Elwood Haynes and the Apperson brothers;

Whereas, Elwood Haynes settled in Kokomo in 1892 and built a partnership with Elmer and Edgar Apperson resulting in the development of the first mechanically successful gasoline powered automobile in 1894 and the formation of the Haynes-Apperson Company in 1898; and

Whereas, It would be fitting and proper that that portion of U.S. 31 through Howard County be renamed as "The Haynes-Apperson Expressway" recognizing the accomplishments of Elwood Haynes and Elmer and Edgar Apperson and their contributions to the industrial heritage of Howard County: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename that portion of U.S. 31 through Howard County as "The Haynes-Apperson Expressway".

SECTION 2. That copies of this resolution be transmitted by the Principle Clerk of the House of Representatives to the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 16

Representatives Morrison and Washburne introduced House Concurrent Resolution 16:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the bridge across the Wabash River on State Road 163 in Clinton the "Henry Dana Washburn Memorial Bridge".

Whereas, Henry Dana Washburn was a citizen of Vermillion County who lived an inspiring life of service to his country and his community;

Whereas, Mr. Washburn enlisted in the Union Army in August 1861 as a Lieutenant Colonel and rose to the rank of Major General;

Whereas, While still serving in the Army, Mr. Washburn successfully ran for a seat in the United States House of Representatives, where he served two terms;

Whereas, Mr. Washburn also played a significant role in the exploration of Yellowstone National Park;

Whereas, Mr. Washburn served Vermillion County as the county auditor and as a school teacher; and

Whereas, Outstanding citizens such as Mr. Washburn deserve special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly, in recognition of Mr. Washburn's many contributions to his country and his state, urges the Indiana Department of

Transportation to name the bridge across the Wabash River on State Road 163 in Clinton the "Henry Dana Washburn Memorial Bridge".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Concurrent Resolution 18

Representatives Pelath and Dermody introduced House Concurrent Resolution 18:

A CONCURRENT RESOLUTION congratulating Dr. Richard J. Houck on the occasion of his retirement.

Whereas, Dr. Richard J. Houck has dedicated decades of his life in service to the people of Michigan City and LaPorte County;

Whereas, At the age of 83, Dr. Houck has decided to retire from the practice of medicine;

Whereas, After studying pre-med courses at DePauw University, Dr. Houck graduated from the Indiana University School of Medicine in 1957;

Whereas, Following a general internship at Orange County General Hospital in Orange, California, Dr. Houck entered the Air Force in September 1958;

Whereas, In 1959, Dr. Houck completed a flight surgeon course and was designated as a flight surgeon responsible for the health of flight personnel;

Whereas, While on active duty, Dr. Houck completed a residency in ophthalmology at Ohio State University, Columbus, Ohio, and at Brooke General Hospital, Fort Sam Houston (San Antonio), Texas;

Whereas, While on active duty, Dr. Houck had numerous assignments including Paine Field, Everett, Washington; U.S. Air Force Base, Evreux-Fauville Air Base, Evreux, France; Armed Forces Institute of Pathology, Washington, D.C. (Eye Pathology); Andrews Air Force Base, D.C.; and the School of Aerospace Medicine (Brooks Air Force Base), San Antonio, Texas (chief, clinical ophthalmology);

Whereas, Dr. Houck left active duty and returned to Michigan City to open a private practice but remained in the Air Force Reserve, retiring in 1992;

Whereas, Dr. Houck has more than 59 years of diverse experiences in ophthalmology;

Whereas, Active within the community, Dr. Houck and his wife, Jean, have volunteered at the International Friendship Gardens since 1970, where he has served as president of the board, and cofounded the Northern Indiana Association for Children with Learning Disabilities (NIACLD);

Whereas, Dr. Houck has served as president of the medical staff at St. Anthony Hospital, president of the LaPorte County Medical Society, trustee of the 13th District of the Indiana State Medical Association, and assistant treasurer of the Indiana State Medical Association, and, in 2006, was designated as a Distinguished Hoosier by Indiana Governor Mitch Daniels because of his community service;

Whereas, The Board of Directors of Samaritan Counseling Centers, Inc. has named Dr. Richard J. Houck as the recipient of its 2014 Good Samaritan Service Award which publicly recognizes an individual who embodies the Samaritan spirit found in the parable of the Good Samaritan from Scriptures;

Whereas, Dr. Houck was born in Michigan City on April 27,

1932, the son of Howard T. and Marion R. Houck, and graduated from Isaac C. Elston Senior High School; and

Whereas, Dr. Houck has dedicated his life to helping those in need: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks Dr. Richard J. Houck for his decades of service to the people of Michigan City and LaPorte County. Dr. Houck is the embodiment of all that is good in mankind.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. Richard J. Houck and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Tallian and Arnold.

House Concurrent Resolution 19

Representatives T. Brown, Soliday, Thompson and Schaibley introduced House Concurrent Resolution 19:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename that part of Interstate 65 from mile marker 138 through mile marker 141, passing through Lebanon, as the "Rick Mount Highway".

Whereas, The name Rick Mount is synonymous with outstanding shooting throughout the basketball world;

Whereas, The Purdue University legend still holds the school's single-game scoring record of 61 points earned against Iowa on February 28, 1970;

Whereas, Rick had a career total of 2,323 points in 72 games and averaged 35.4 points a game his senior year;

Whereas, Rick signed with the Indiana Pacers of the old American Basketball Association and led the ABA in three-point shooting;

Whereas, Rick Mount was among the top ABA three-point shooters, averaging 11.8 points a game and scoring a career total of 3,330 points;

Whereas, Known mainly for his scoring abilities in high school and college, Rick Mount contributed in a variety of ways during his pro career;

Whereas, He was one of the finest passers in the ABA, averaged 2.4 assists per game with a total of 676, was a fine free throw shooter with 82 percent accuracy, shot 31.7 percent beyond the arc, and held a 43.3 field goal percentage in his five seasons in the ABA;

Whereas, In addition to the Indiana Pacers, Rick Mount played for the Kentucky Colonels, Utah Stars, and Memphis Sounds;

Whereas, Known as "the Rocket", Rick Mount led the Lebanon High School Tigers to the 1966 Lafayette semi-state championship game, where his team lost to East Chicago Washington 59-58;

Whereas, Rick Mount was named Indiana's Mr. Basketball and designated as the top prep player in America;

Whereas, Rick scored 2,595 points in high school, currently the fourth highest total in Indiana high school history, 20 years before the three-point shot existed, and, on February 14, 1966, he became the first high school basketball player to appear on the cover of Sports Illustrated;

Whereas, In 1992 Rick Mount was inducted into the Indiana

Basketball Hall of Fame;

Whereas, Still active in basketball, Rick Mount runs "shoot camps" for high school players throughout the Midwest; and

Whereas, Rick Mount is an Indiana hoops legend whose many accomplishments deserve very special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename that part of Interstate 65 from mile marker 138 through mile marker 141, passing through Lebanon, as the "Rick Mount Highway" in recognition of this outstanding Hoosier.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Rick Mount and his family and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 6

Representative Niezgodski introduced House Resolution 6:

A HOUSE RESOLUTION urging the Legislative Council to assign to the appropriate committee the study of a ban on the sale of use of coal tar pavement products.

Whereas, Coal tar is among the byproducts created when coal is carbonized to make coke or gasified to make coal gas;

Whereas, According to the International Agency for Research on Cancer, preparations that include more than 5 percent of crude coal tar are Group 1 carcinogens;

Whereas, Coal tar base sealants contain high levels of chemicals known as polycyclic aromatic hydrocarbons (PAHs), which widely pollute the environment, wildlife, and people;

Whereas, Based on this information, it is important to study the effects of coal tar pavement products on our environment and their effects on the health of our citizens; and

Whereas, If proven to be justified, the use of coal tar pavement products should be banned from use in Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Legislative Council is urged to assign to the appropriate committee the study of a ban on the sale or use of coal tar pavement products.

The resolution was read a first time and referred to the Committee on Environmental Affairs.

House Resolution 7

Representatives V. Smith and Ober introduced House Resolution 7:

A HOUSE RESOLUTION honoring Bernice A. King.

Whereas, Bernice A. King, the youngest daughter of the late Coretta Scott King and Dr. Martin Luther King, is the Chief Executive Officer of the King Center founded by her mother in 1968;

Whereas, Bernice A. King, who began her public speaking career at the age of 17, is internationally known as one of the most powerful, motivating, and life-changing orators in the world today;

Whereas, Bernice's career has taken her to the steps of the Lincoln Memorial, the White House, major corporations and universities, and countries throughout the world, including South Africa, Germany, and New Zealand;

Whereas, Bernice earned a Bachelor of Arts degree in Psychology from Spelman College and a Master's of Divinity and Doctor of Law degrees from Emory University;

Whereas, Bernice A. King has an honorary Doctorate of Divinity degree from Wesley College and is currently a member of the State Bar of Georgia;

Whereas, On January 30, 2007, the first anniversary of her mother's death, Bernice established the "Be A King Scholarship" in honor of Coretta Scott King at Spelman College;

Whereas, Through the King Center, Bernice continues the work of her parents by educating youth and adults about nonviolence principles;

Whereas, As a law clerk in the Fulton County Juvenile Court system, under Judge Glenda Hatchett, Bernice A. King discovered that a growing number of teens have been victims of society and of an ineffective legal system based in retribution instead of rehabilitation;

Whereas, Bernice founded Be A King, a play on her initials, with a mission to rebrand and reimage generations of people to elevate the way they Think, Act, Live, and Lead;

Whereas, Through Be A King, Bernice hopes to develop a nation of young people who will impact the global marketplace and transform the world culture with a KINGdom mindset;

Whereas, Bernice A. King serves as a mentor to the students at the Coretta Scott King Young Women's Leadership Academy (CSKYWLA) where she challenges these young ladies to "combat bullying, fighting, and negative attitudes by using their tongue in a manner that is positive and uplifting";

Whereas, Bernice implemented an annual N.O.W. (Nonviolence Opportunity Watch) Encounter Summer Camp educating youth from New Mexico, South Carolina, Michigan, Alabama, and Cyprus;

Whereas, Bernice King will be recognized by Indiana for her many accomplishments when she receives the Co-2016 Katie Hall Public Service Award at the Genesis Convention Center in Gary; and

Whereas, Bernice A. King has changed the lives of everyone who comes in contact with her: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the amazing accomplishments of Bernice A. King and thanks her for her dedicated service to mankind.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Bernice A. King.

The resolution was read a first time and adopted by voice vote.

House Resolution 8

Representatives Frye and DeLaney introduced House Resolution 8:

A HOUSE RESOLUTION honoring World War II veteran Jim Parish.

Whereas, Jim Parish has dedicated his life to serving others;

Whereas, Born on June 8, 1920, to Alva and Mary Parish in

Greensburg, Jim Parish started farming during the Depression;

Whereas, While his father was searching for work, Jim got his first team of horses and a plow and worked the family farm and any other farm where a farmer needed help, earning 35 cents a day;

Whereas, After high school graduation, Jim was awarded a full scholarship to Franklin College, but his family could not afford to let him go;

Whereas, On July 13, 1941, Jim married Wilma Louise Grimes at Kingston Church just outside of Greensburg;

Whereas, The couple's first child was born in May 1942, and Jim was drafted into World War II on November 11, 1942;

Whereas, Assigned to basic training in Hawaii, Jim was severely burned while on beach patrol;

Whereas, Although hospitalized for six weeks for skin grafts, Jim was given the opportunity to return home or back to duty;

Whereas, Jim chose to go back to his unit and fight for his country;

Whereas, Jim stormed the beaches in the Battle of Eniwetok and joined the 106th Division in the Battle of Saipan and the Battle of Okinawa;

Whereas, During the Battle of Okinawa, Jim was shot in the head, a wound entitling him to receive the Purple Heart;

Whereas, Jim has served his community honorably, serving 15 years on the Community Building Board, 15 years on the Library Board, seven years on the Town Board, and on the Area Planning and Appeals Board;

Whereas, Jim is also a member of Kiwanis, the Odd Fellows, the American Legion, the VFW, and the Forest Hill Sunday school and youth group where he serves as preacher when needed; and

Whereas, Jim Parish is a wonderful husband, father, and grandfather who epitomizes the outstanding characteristics of Hoosiers throughout the state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the many outstanding accomplishments and years of service of Jim Parish.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jim Parish and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 10

Representative Judy introduced House Resolution 10:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of staggered municipal elections.

Whereas, IC 36-5-2-4.5 provides counties with the right to have staggered election cycles;

Whereas, Staggered election cycles can provide the voter with some sense of stability;

Whereas, Staggered elections tend to make the body one that promotes deliberation, not one that is impulsive;

Whereas, However, there are also certain disadvantages to this type of municipal election; and

Whereas, The value to municipalities of holding staggered

elections should be thoroughly studied in the coming interim: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of staggered municipal elections.

The resolution was read a first time and referred to the Committee on Elections and Legislative Apportionment

House Resolution 11

Representative Carbaugh introduced House Resolution 11:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of adoption costs and barriers.

Whereas, According to the United States Department of Health and Human Services, Administration for Children and Families, 641,000 children lived in foster care in 2012;

Whereas, Even with 52,000 adoptions, 102,000 children were still legally available for adoption;

Whereas, When a good family adopts a child, the child receives the love and support necessary for a happy, productive childhood;

Whereas, This child may also be able to experience siblings in this new family and build lifetime bonds;

Whereas, Adopting a child is typically a long, drawn-out process that often takes months or years;

Whereas, According to the Child Welfare Information Gateway, a resource from the United States Department of Health and Human Services, licensed agency adoptions can cost from \$5,000 to \$40,000 or more to complete and maintain; and

Whereas, With so many children waiting to be adopted, it would behoove our state and country to thoroughly investigate new ways to reduce the costs and barriers that stand in the way of providing happy, productive homes to all those children waiting to be adopted: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of adoption costs and barriers.

The resolution was read a first time and referred to the Committee on Family, Children and Human Affairs.

House Resolution 12

Representatives Judy and Carbaugh introduced House Resolution 12:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of state funding for county veteran service officers.

Whereas, The brave men and women who serve our country honorably in times of war and peace deserve to receive all the benefits to which they are entitled;

Whereas, However, these needs for services already exceed the number of veteran service officers hired to help the veterans who need them; and

Whereas, It is the duty and responsibility of our state to provide the funds necessary to hire a sufficient number of veteran service officers to help our veterans in need: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of funding for county veteran service officers.

SECTION 2. That the committee, if assigned the topic, should include, but not limit, the following topics in its study:

1. The possibility or feasibility of full or partial state funding for veteran service officers.
2. Geographically, whether consolidating small counties or cities is more economically feasible than the current system where a mandate requires each county to provide a veteran service officer.
3. Whether the state should set a salary range for veteran service officers.
4. The creation of a set of uniform duties for veteran service officers.

The resolution was read a first time and referred to the Committee on Veterans Affairs and Public Safety.

House Resolution 13

Representatives Judy and Cox introduced House Resolution 13:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of a FairTax at the state level.

Whereas, H.R.25, The FairTax Act of 2015, is known as a proposal in the Congress of the United States to repeal all federal individual and corporate income taxes, individual payroll taxes and corporate matching payroll taxes, individual and corporate capital gains taxes, estate and gift taxes; to impose a single-rate national consumption tax at the retail level only, on all purchases of new products and services within the United States; to establish a monthly family consumption tax rebate for qualified legal residents, and to authorize the states to collect the national consumption tax;

Whereas, Several states are studying or have introduced legislation to enact a consumption tax based on the same principles found in H.R.25, The FairTax Act, and South Carolina House Bill H. 3211 represents the most accurate model of a FairTax at the state level;

Whereas, The first state to enact FairTax legislation at a state level could initiate similar tax reform throughout the states;

Whereas, Businesses willing to relocate may move to states with FairTax laws to gain lower state tax liabilities, and legal United States residents may move to states with FairTax laws to gain employment, lower taxes, and family consumption tax rebates;

Whereas, To ensure that Indiana continues to prosper and grow, the topic of a FairTax at the state level should be comprehensively and thoroughly studied;

Whereas, Because a FairTax at the state level would require a major overhaul of the current Indiana tax code, an initial study should be conducted to determine the total consumption tax rate consisting of tax rates required to fund the state, plus the total local consumption tax rates required to fund each individual county, plus tax rates to fund the family consumption tax rebate; and

Whereas, A study analysis should be independently conducted by two universities in Indiana, and by a private institute with expertise in the study of state tax structures: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of the FairTax Act at the state level.

The resolution was read a first time and referred to the Committee on Ways and Means.

House Resolution 14

Representative Niezgodski introduced House Resolution 14:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of licensure for Indiana naturopathic doctors.

Whereas, Naturopathic doctors complete a four-year postgraduate clinical doctorate degree from one of eight United States and Canadian accredited naturopathic medical schools recognized by the United States Department of Education and have passed national naturopathic medicine board exams;

Whereas, This education prepares naturopathic doctors to be experts in natural medicine, including in the prevention, diagnosis, evaluation, and treatment of disease, where prevention and treatment are approached with an emphasis on patient education, clinical nutrition, and utilization of various natural medicines and therapies; and

Whereas, Licensure of naturopathic doctors will ensure that all Hoosiers receive the highest quality of medical care: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of licensure for Indiana naturopathic doctors.

The resolution was read a first time and referred to the Committee on Public Health.

Senate Concurrent Resolution 3

The Speaker handed down Senate Concurrent Resolution 3, sponsored by Representative Bacon:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to place a memorial sign where the 38th parallel crosses Interstate 69 just north of Morgan Avenue in Evansville, entitled "Veterans of the Korean War Memorial - 38th Parallel".

Whereas, Indiana's veterans display the spirit of patriotism, the love of country, and the willingness to serve and sacrifice for the common good, which has always helped to make our country and state great;

Whereas, The Indiana General Assembly recognizes the many sacrifices made by Indiana veterans in time of war;

Whereas, Many states, including Indiana, have designated and named portions of state or federal highways as memorials to those brave men and women who served their country so well in perilous times;

Whereas, The Korean War began on June 25, 1950, when President Harry S. Truman committed the United States military to a United Nations effort to stop North Korea's annexation of South Korea;

Whereas, Between June 25, 1950, and July 27, 1953, approximately 5,720,000 Americans served in the military, many of whom were stationed in Korea;

Whereas, The Korean War cost our nation dearly, taking more than 33,000 lives;

Whereas, The military personnel involved in this war sacrificed greatly for their country but received little thanks;

Whereas, The people of the state of Indiana and the city of Evansville wish to honor the Korean War veterans by erecting a memorial sign where the 38th parallel crosses Interstate 69, which is just north of Morgan Avenue; and

Whereas, It is fitting and proper that these brave Americans receive the recognition that they so justly deserve: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the service of Indiana veterans to our state and our nation during the Korean War be commemorated by urging the Indiana Department of Transportation to place a memorial sign where the 38th parallel crosses Interstate 69 just north of Morgan Avenue in Evansville, entitled "Veterans of the Korean War Memorial - 38th Parallel" in their honor.

SECTION 2. That a copy of this resolution be transmitted by the Secretary of the Senate to Don Gillies and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

Senate Concurrent Resolution 6

The Speaker handed down Senate Concurrent Resolution 6, sponsored by Representative Soliday:

A CONCURRENT RESOLUTION honoring Sharon Kish's retirement as the President of the United Way of Porter County.

Whereas, Sharon Kish is retiring as the President of the United Way of Porter County after 15 years of service, where she was responsible for the development and maintenance of the network of health and human services in Porter County;

Whereas, Under Kish's leadership, the United Way of Porter County has grown and prospered, with an emphasis on helping individuals in need in her community and any community with which she had the privilege of partnering;

Whereas, With coordination and fundraising by Kish, United Way was able to develop many programs to help citizens in the county such as the Success by Six Program, which helps children from birth to six years of age with development of necessary skills for success in the classroom and society;

Whereas, Kish's extensive non-profit history as the Executive Director of the Neighboring Mental Health Center in Lake County, Ohio, and the Clinical Director of Northeast Ohio's Big Brothers/Big Sisters, has proven her dedication to identifying the needs of the community she serves and developing responses to remedy those needs to the best of her ability;

Whereas, Because of Kish's high community involvement, she has been a part of many professional organizations such as: The Rotary Club of Valparaiso, the Porter County Community Foundation, the Advisory Committee of the Porter County Career Center, the Board of Managers for Empower Porter County, the Indiana Association of United Ways, the Chancellor's Advisory Committee for Purdue University North Central, the Coalition for Affordable Housing, the Northwest Indiana Communities Active in Disaster, the American Counseling Association, the Association for Specialists in Group Work, the American Association of University Women, the Indiana University Alumni Association, the National Alliance for the Mentally Ill, and the International Association of Psychiatric Rehabilitation Specialists; and

Whereas, Kish's professional honors are vast in number, but a few notable awards include: 2010 Quality of Life Council

Community Award, 2011 Woman of Influence, 2006 Outstanding Porter County Community Foundation Staff Member, Lake County, Ohio, Mental Health Professional of the Year, and 2000 Lakeland College Woman of Achievement: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors Sharon Kish upon her retirement as the President of the United Way of Porter County.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Sharon A. Kish.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 8

The Speaker handed down Senate Concurrent Resolution 8, sponsored by Representative T. Brown:

A CONCURRENT RESOLUTION honoring James G. McIntire upon his retirement as Executive Vice President of the Indiana State Medical Association.

Whereas, Since 2006, James G. McIntire has served as the Executive Vice President of the Indiana State Medical Association, the largest physician member organization in Indiana;

Whereas, Jim, a Hoosier's Hoosier and graduate of Shortridge High School, received his Bachelor's Degree from Indiana University before going on to earn his law degree from Indiana University Robert H. McKinney School of Law;

Whereas, As Executive Vice President of the Indiana State Medical Association, Jim managed an outstanding staff of 28 individuals who provide a variety of professional services, educational programs, and advocacy for the association's nearly 8,000 physician members in order to better the health of Indiana's citizens;

Whereas, Throughout Jim's tenure, the Indiana State Medical Association was successful in its support of numerous legislative health initiatives, including the Healthy Indiana Plan, a statewide smoking ban in public buildings, the expansion of graduate medical education opportunities in Indiana, combating infant mortality, and education on controlled substance prescribing;

Whereas, On September 13, 2015, the Indiana State Medical Association House of Delegates expressed to Jim heartfelt gratitude for his many years of leadership and dedication to advancing the medical profession in the state of Indiana; and

Whereas, Upon retirement, Jim plans to spend time with his family and six granddaughters: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates James G. McIntire for his successful 18 years with the Indiana State Medical Association and honors him upon his retirement as Executive Vice President.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to James G. McIntire and the Indiana State Medical Association.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 12

The Speaker handed down Senate Concurrent Resolution 12, sponsored by Representatives Bauer and Dvorak:

A CONCURRENT RESOLUTION honoring The South Bend Clinic on the centennial celebration of its founding.

Whereas, The South Bend Clinic is celebrating 100 years of high-quality and personalized health care in the South Bend area;

Whereas, The Clinic was founded in 1916 by South Bend surgeon Dr. Walter Baker, on the model set forth by the Mayo Clinic—"The needs of the patient come first;"

Whereas, Impressed by his visit to the Mayo Clinic, Dr. Baker gathered six other specialists to create a non-profit practice that would serve the South Bend/Michiana area;

Whereas, Today, more than ninety physicians serve ten locations that provide more than 300,000 patients with high-quality primary and specialized health care each year;

Whereas, Recent multi-million dollar expansions have created more than 100 new jobs for health care and support workers in the area; and

Whereas, Such continued dedication to the health and well-being of their community deserves to be honored and recognized: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors The South Bend Clinic on the centennial celebration of its founding.

SECTION 2. The Secretary of the Senate is hereby directed to transmit three copies of this resolution to The South Bend Clinic.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:56 p.m. with the Speaker in the Chair.

Representative C. Brown, how had been excused, is now present.

With the consent of the members, the Speaker returned to bills on second reading.

HOUSE BILLS ON SECOND READING

House Bill 1001

Representative Soliday called down House Bill 1001 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1001-11)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-13.5-1.5-13, AS AMENDED BY P.L.252-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. **(a) An agreement or a contract under this chapter is subject to IC 5-16-7.3.**

(a) (b) The contractor and each subcontractor engaged in installing energy conservation measures under a guaranteed energy cost savings contract shall keep full and accurate records indicating the names, classifications, and work performed by each worker employed by the respective contractor and subcontractor in connection with the work together with an accurate record of the number of hours worked by each worker and the actual wages paid.

(b) (c) The payroll records required to be kept under this section must be open to inspection by an authorized representative of the commission and the department of labor.

SECTION 2. IC 4-13.6-2-4, AS AMENDED BY P.L.252-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The division shall comply with this article and the following statutes in the administration of public works contracts:

(1) IC 5-16-3.

(2) IC 5-16-6.

(3) IC 5-16-7.3, if the estimated cost of the public works project is at least twenty-five thousand dollars (\$25,000).

(3) (4) IC 5-16-8.

(4) (5) IC 5-16-9.

(5) (6) IC 5-16-13.

(6) (7) IC 5-16-14.

SECTION 3. IC 4-13.6-5-4, AS AMENDED BY P.L.252-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) If the estimated cost of a public works project is less than ~~three one~~ **hundred fifty** thousand dollars (~~\$300,000~~), **(\$150,000)**, the division may perform the public work without awarding a public works contract under section 2 of this chapter. In performing the public work, the division may authorize use of equipment owned, rented, or leased by the state, may authorize purchase of materials in the manner provided by law, and may authorize performance of the public work using employees of the state.

(b) The workforce of a state agency may perform a public work described in subsection (a) only if:

(1) the workforce, through demonstrated skills, training, or expertise, is capable of performing the public work; and
(2) for a public works project under subsection (a) whose cost is estimated to be more than one hundred thousand dollars (\$100,000), the agency:

(A) publishes a notice under IC 5-3-1 that:

(i) describes the public work that the agency intends to perform with its own workforce; and
(ii) sets forth the projected cost of each component of the public work as described in subsection (a); and

(B) determines at a public meeting that it is in the public interest to perform the public work with the agency's own workforce.

A public works project performed by an agency's own workforce must be inspected and accepted as complete in the same manner as a public works project performed under a contract awarded after receiving bids.

(c) If a public works project involves a structure, an improvement, or a facility under the control of an agency, the agency may not artificially divide the project to bring any part of the project under this section.

(d) If a public works project involves a structure, improvement, or facility under the control of the department of natural resources, the department of natural resources may purchase materials for the project in the manner provided by law and without a contract being awarded, and may use its

employees to perform the labor and supervision, if:

- (1) the department of natural resources uses equipment owned or leased by it; and
- (2) the division of engineering of the department of natural resources estimates the cost of the public works project will be less than ~~three one~~ hundred fifty thousand dollars (\$300,000). **(\$150,000).**

(e) If a public works project involves a structure, improvement, or facility under the control of the department of correction, the department of correction may purchase materials for the project in the manner provided by law and use inmates in the custody of the department of correction to perform the labor and use its own employees for supervisory purposes, without awarding a contract, if:

- (1) the department of correction uses equipment owned or leased by it; and
- (2) the estimated cost of the public works project using employee or inmate labor is less than the greater of:
 - (A) fifty thousand dollars (\$50,000); or
 - (B) the project cost limitation set by IC 4-13-2-11.1.

All public works projects covered by this subsection must comply with the remaining provisions of this article, and all plans and specifications for the public works project must be approved by a licensed architect or engineer.

SECTION 4. IC 4-13.6-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) As used in this section, "Indiana business" refers to any of the following:

- (1) A business whose principal place of business is located in Indiana.
- (2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
- (3) A business that employs residents of Indiana as a majority of its employees.
- (4) A business that makes significant capital investments in Indiana as determined by the department.
- (5) A business that has a substantial positive economic impact on Indiana as determined by the department.

(b) There is a ten percent (10%) price preference for an Indiana business that:

- (1) submits a bid for the performance of the work on a public works project; and
- (2) claims the preference under subsection (e).

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all the following:

- (1) State in the business's bid that the business claims the preference provided by this section.
- (2) Provide the following information to the department:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 5. IC 4-13.6-6-2.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.8. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

- (1) A person who has registered a motor vehicle in Indiana.
- (2) A person who is registered to vote in Indiana.
- (3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.
- (4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.
- (5) A person who:

- (A) works from an office in Indiana;
- (B) is on a payroll from a business located in Indiana;
- (C) possesses a telephone with a telephone number that has an Indiana area code; or
- (D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project may not be awarded to a contractor who does not:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and
- (2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(c) Before August 15, 2017, and before August 15 of each year thereafter, the division shall file with the legislative council a report for the preceding year stating:

- (1) for each contractor awarded a contract under this chapter; and
- (2) for each subcontractor with whom a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the division determines that the contractor has failed to:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the

contract; and

(2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor who fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract for a public works project commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The division may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(i) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 6. IC 4-13.6-8-8, AS AMENDED BY P.L.252-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) An agreement or contract under this chapter is subject to IC 5-16-7.3.

(a) (b) The contractor and each subcontractor engaged in installing energy conservation measures under a guaranteed energy savings contract shall keep full and accurate records indicating the names, classifications, and work performed by each worker employed by the respective contractor and subcontractor in connection with the work and an accurate record of the number of hours worked by each worker and the actual wages paid.

(b) (c) The payroll records required to be kept under this section must be open to inspection by an authorized representative of the department and the department of labor.

SECTION 7. IC 5-1-16-45, AS AMENDED BY P.L.252-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 45. (a) A county desiring to have a building erected or renovated on land owned or to be acquired by the county may sell that land or building to the authority. Before the sale may take place, the county commissioners shall file a petition with the circuit court of the county requesting the appointment of:

(1) one (1) disinterested freeholder of the county as an appraiser; and

(2) two (2) disinterested appraisers licensed under

IC 25-34.1;

who are residents of Indiana to determine the fair market value of the land or building. One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the land or building. Upon appointment, the appraisers shall fix the fair market value of the land or building and shall report that value within two (2) weeks from the date of their appointment. The county may then sell the land or building to the authority for an amount not less than the amount fixed by the appraisers as the fair market value. The amount shall be paid in cash upon delivery of the deed by the county to the authority. If a cumulative building fund exists at the time of the sale, the proceeds from the sale shall be placed in that fund. If a cumulative building fund does not exist at the time of the sale, the proceeds from the sale shall be paid into the county hospital fund with the principal and interest on the fund to be used solely by the county hospital for the purposes set forth in IC 16-22-5-3 (or IC 16-12.1-4-4 before its repeal on July 1, 1993). A sale of land or a building by a county to the authority shall be authorized by the board of commissioners by an order that shall be entered in the official records of the board. The deed shall be executed on behalf of the county by the board of county commissioners.

(b) A contract entered into under this chapter for a public work (as defined in IC 5-16-7.3-4) is subject to IC 5-16-7.3.

SECTION 8. IC 5-1-17-18, AS AMENDED BY P.L.252-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) Subject to subsection (h), the authority may issue bonds for the purpose of obtaining money to pay the cost of:

(1) acquiring real or personal property, including existing capital improvements;

(2) constructing, improving, reconstructing, or renovating one (1) or more capital improvements; or

(3) funding or refunding bonds issued under IC 36-10-8 or IC 36-10-9 or prior law.

(b) The bonds are payable from the lease rentals from the lease of the capital improvements for which the bonds were issued, insurance proceeds, and any other funds pledged or available.

(c) The bonds shall be authorized by a resolution of the board.

(d) The terms and form of the bonds shall either be set out in the resolution or in a form of trust indenture approved by the resolution.

(e) The bonds shall mature within forty (40) years.

(f) The board shall sell the bonds at public or private sale upon the terms determined by the board.

(g) All money received from any bonds issued under this chapter shall be applied to the payment of the cost of the acquisition or construction, or both, of capital improvements, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

(1) planning and development of the facility and all buildings, facilities, structures, and improvements related to it;

(2) acquisition of a site and clearing and preparing the site for construction;

(3) equipment, facilities, structures, and improvements that are necessary or desirable to make the capital improvement suitable for use and operations;

(4) architectural, engineering, consultant, and attorney's fees;

(5) incidental expenses in connection with the issuance and sale of bonds;

(6) reserves for principal and interest;

(7) interest during construction;

(8) financial advisory fees;

(9) insurance during construction;

(10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and

(11) in the case of refunding or refinancing, payment of the principal of, redemption premiums (if any) for, and interest on, the bonds being refunded or refinanced.

(h) The authority may not issue bonds under this chapter unless the authority first finds that the following conditions are met:

(1) Each contract or subcontract for the construction of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part through the issuance of the bonds:

(A) requires payment of the common construction wage required by IC 5-16-7.3; and

(B) requires the contractor or subcontractor to enter into a project labor agreement as a condition of being awarded and performing work on the contract.

(2) The capital improvement board and the authority have entered into a written agreement concerning the terms of the financing of the facility. This agreement must include the following provisions:

(A) Notwithstanding any other law, if the capital improvement board selected a construction manager and an architect for a facility before May 15, 2005, the authority will contract with that construction manager and architect and use plans as developed by that construction manager and architect. In addition, any other agreements entered into by the capital improvement board or a political subdivision served by the capital improvement board with respect to the design and construction of the facility will be reviewed by a selection committee consisting of:

(i) two (2) of the members appointed to the board of directors of the authority under section 7(a)(1) of this chapter, as designated by the governor;

(ii) the two (2) members appointed to the board of directors of the authority under section 7(a)(2) of this chapter; and

(iii) the executive director of the authority.

The selection committee is not bound by any prior commitments of the capital improvement board or the political subdivision, other than the general project design, and will approve all contracts necessary for the design and construction of the facility.

(B) If before May 15, 2005, the capital improvement board acquired any land, plans, or other information necessary for the facility and the board had budgeted for these items, the capital improvement board will transfer the land, plans, or other information useful to the authority for a price not to exceed the lesser of:

(i) the actual cost to the capital improvement board; or

(ii) three million five hundred thousand dollars (\$3,500,000).

(C) The capital improvement board agrees to take any legal action that the authority considers necessary to facilitate the financing of the facility, including entering into agreements during the design and construction of the facility or a sublease of a capital improvement to any state agency that is then leased by the authority to any state agency under section 26 of this chapter.

(D) The capital improvement board is prohibited from taking any other action with respect to the financing of the facility without the prior approval of the authority. The authority is not bound by the terms of any agreement entered into by the capital improvement board with respect to the financing of the facility without the prior approval of the authority.

(E) As the project financier, the Indiana finance

authority (or its successor agency) and the public finance director will be responsible for selecting all investment bankers, bond counsel, trustees, and financial advisors.

(F) The capital improvement board agrees to deliver to the authority the one hundred million dollars (\$100,000,000) that is owed to the capital improvement board, the consolidated city, or the county having a consolidated city pursuant to an agreement between the National Football League franchised professional football team and the capital improvement board, the consolidated city, or the county. This amount shall be applied to the cost of construction for the stadium part of the facility. This amount does not have to be delivered until a lease is entered into for the stadium between the authority and the capital improvement board.

(G) The authority agrees to consult with the staff of the capital improvement board on an as needed basis during the design and construction of the facility, and the capital improvement board agrees to make its staff available for this purpose.

(H) The authority, the county, the consolidated city, the capital improvement board and the National Football League franchised professional football team must commit to using their best efforts to assist and cooperate with one another to design and construct the facility on time and on budget.

(3) The capital improvement board and the National Football League franchised professional football team have entered into a lease for the stadium part of the facility that has been approved by the authority and has a term of at least thirty (30) years.

SECTION 9. IC 5-16-1-1.5, AS AMENDED BY P.L.252-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) The governing board of any state educational institution, acting on behalf of said institution, may purchase materials in the manner provided by law and perform any work by means of its own employees and owned or leased equipment in the construction, rehabilitation, extension, maintenance or repair of any building, structure, improvement, or facility, of said institutions, without awarding a contract therefor, whenever the cost of such work shall be estimated to be less than ~~three one hundred fifty thousand dollars (\$300,000)~~: **(\$150,000)**.

(b) The workforce of a state educational institution may perform a public work described in subsection (a) only if:

(1) the workforce, through demonstrated skills, training, or expertise, is capable of performing the public work; and

(2) for a public work project under subsection (a) whose cost is estimated to be more than one hundred thousand dollars (\$100,000), the state educational institution:

(A) publishes a notice under IC 5-3-1 that:

(i) describes the public work that the state educational institution intends to perform with its own workforce; and

(ii) sets forth the projected cost of each component of the public work as described in subsection (a); and

(B) determines at a public meeting that it is in the public interest to perform the public work with the state educational institution's own workforce.

A public work project performed by a state educational institution's own workforce must be inspected and accepted as complete in the same manner as a public work project performed under a contract awarded after receiving bids.

(c) If a public work project involves a structure, an improvement, or a facility under the control of a state educational institution, the state educational institution may not artificially divide the project to bring any part of the project

under this section.

SECTION 10. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

- (1) A person who has registered a motor vehicle in Indiana.
- (2) A person who is registered to vote in Indiana.
- (3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.
- (4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.
- (5) A person who:
 - (A) works from an office in Indiana;
 - (B) is on a payroll from a business located in Indiana;
 - (C) possesses a telephone with a telephone number that has an Indiana area code; or
 - (D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and
- (2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(c) Before August 15, 2017, and before August 15 each year thereafter, any state agency entering into contracts under this chapter shall file with the legislative council a report stating:

- (1) for each contractor awarded a contract under this chapter; and
- (2) for each subcontractor with whom a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the state or commission determines that the contractor has failed to:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and
- (2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor who fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The state or a commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

- (1) Issuing a request for proposals.
- (2) Issuing a bulletin inviting bids for the contract.
- (3) Prequalifying a contractor for the contract.
- (4) Evaluating a bid for the contract.

(i) This section does not apply to contracts entered into to perform work:

- (1) resulting from an emergency; or
- (2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 11. IC 5-16-1-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) As used in this section, "Indiana business" refers to any of the following:

- (1) A business whose principal place of business is located in Indiana.
- (2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
- (3) A business that employs residents of Indiana as a majority of its employees.
- (4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.
- (5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) There is a ten percent (10%) price preference for an Indiana business that:

- (1) submits a bid for the performance of the work on a public works project; and
- (2) claims the preference under subsection (e).

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all the following:

- (1) State in the business's bid that the business claims the preference provided by this section.
- (2) Provide the following information to the awarding officer, commission, or agent and the department of administration:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 12. IC 5-16-7.2-1, AS ADDED BY P.L.252-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This chapter applies to a public works contract awarded by a public agency after June 30, 2015, and before July 1, 2016.

(b) This chapter does not apply to contracts awarded by the Indiana department of transportation when IC 8-23-9 applies.

SECTION 13. IC 5-16-7.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 7.3. Wage Scale of Contractors' and Subcontractors' Employees

Sec. 1. (a) Any firm, individual, partnership, limited liability company, or corporation that, after June 30, 2016, is awarded a contract by the state, a political subdivision, or a municipal corporation for the construction of a public work, and any subcontractor of the construction, shall pay for each class of work described in subsection (c)(1) on the project a scale of wages that may not be less than the common construction wage.

(b) For the purpose of ascertaining what the common construction wage is in the county, the awarding governmental agency, before advertising for the contract, shall set up a committee of five (5) persons as follows:

(1) One (1) person representing labor, to be named by the president of the state federation of labor.

(2) One (1) person representing industry, to be named by the awarding agency.

(3) One (1) person to be named by the state president of the Associated Builders and Contractors.

(4) One (1) taxpayer who pays the tax that will be the funding source for the project and resides in the county where the project is located. The owner of the project shall make the appointment under this subdivision.

(5) One (1) taxpayer who pays the tax that will be the funding source for the project and resides in the county where the project is located. The legislative body (as defined in IC 36-1-2-9) for the county where the project is located shall make the appointment under this subdivision.

(c) As soon as appointed, the committee shall meet in the county where the project is located and determine in writing the following:

(1) A classification of the labor to be employed in the performance of the contract for the project, divided into the following three (3) classes:

(A) Skilled labor.

(B) Semiskilled labor.

(C) Unskilled labor.

(2) The wage per hour to be paid each of the classes.

The committee is not required to consider information not presented to the committee at the meeting. IC 5-14-1.5 (open door law) applies to a meeting of the committee.

(d) The rate of wages determined by the committee under subsection (c) applies to any contract for which the awarding government agency lets not later than three (3) months after the date the committee determines the rate of wages. The committee shall establish wages for all classifications of work that may be employed on projects subject to contracts let by the awarding agency for three (3) months after the date the committee determines the rate of wages. If an awarding agency advertises for a contract that includes classifications that are not listed on the existing wage scale, the awarding agency shall form a new committee under subsection (b) to determine the classifications and wages on the contract.

(e) If the awarding government agency lets for a contract later than three (3) months after the committee determines the rate of wages, the awarding government agency shall form a new committee under subsection (b) to determine a rate of wages for the contract. The rate of wages determined under this subsection applies to any contract for which the awarding government agency lets not later than three (3) months after the rate of wages is determined under this subsection.

(f) The rate of wages determined under subsection (c) may not be less than the common construction wage for each of the three (3) classes of wages described in subsection (c) that are currently being paid in the county where the project is located.

(g) This chapter does not apply to contracts let by the Indiana department of transportation for the construction of highways, streets, and bridges. IC 8-23-9 applies to state highway projects.

(h) A determination under subsection (c) shall be made and filed with the awarding agency at least two (2) weeks prior to the date fixed for the letting, and a copy of the determination shall be furnished upon request to any person desiring to bid on the contract. The schedule is open to the inspection of the public.

(i) If the committee appointed under subsection (b) fails to act and to file a determination under subsection (c) at or before the time required under subsection (h), the awarding agency shall make the determination, and its finding is final.

(j) It shall be a condition of a contract awarded under this chapter that the successful bidder and all subcontractors shall comply strictly with the determination made under this section.

(k) This chapter does not apply to public projects in Indiana that would otherwise be subject to this chapter that are to be paid for in whole or in part with funds granted by the federal government, unless the department of the federal government making the grant consents in writing that this chapter is applicable to the project.

(l) Notwithstanding any other law, this chapter applies to projects that will be:

(1) owned entirely; or

(2) leased with an option to purchase;

by the state or a political subdivision (as defined in IC 36-1-2-13).

(m) Notwithstanding any other law, this chapter does not apply to projects in which the actual construction costs are less than three hundred fifty thousand dollars (\$350,000).

Sec. 2. The state or any municipal corporation letting any contract for the construction of a public work shall require any contractor or subcontractor performing the contract to file with the state or the municipal corporation a schedule of the wages to be paid to the laborers, workmen, or mechanics performing work on the contract. The schedule shall be filed before any work is performed on the contract or

subcontract, and the scale may not be less than the scale determined as provided in section 1 of this chapter. This chapter does not prevent a contractor or subcontractor from paying a higher rate of wages than set out in the schedule of wages filed by the contractor or subcontractor.

Sec. 3. A contractor or subcontractor who knowingly fails to pay the rate of wages determined under this chapter commits a Class B misdemeanor. If the contractor or subcontractor has committed a prior offense under this section, the contract on which the current offense occurred shall be forfeited. In addition, the contractor or subcontractor may not receive any further payment on the contract, and the state or the municipal corporation making the contract may not make any further payments on the contract from any of the funds under its charge or control.

Sec. 4. The following definitions apply throughout this chapter:

(1) "Common construction wage" means a scale of wages for each class of work described in section 1(c)(1) of this chapter that is not less than the common construction wage of all construction wages being paid in the county where a project is located, as determined by the committee described in section 1(b) of this chapter after having considered the following:

(A) Any reports with respect to wage scales submitted by the Indiana State Building and Construction Trades Council.

(B) Any reports with respect to wage scales submitted by the Associated Builders and Contractors of Indiana.

(C) Any other information submitted by any person to the committee established under section 1(b) of this chapter.

(2) "State" includes any officer, board, commission, or other agency authorized by law to award contracts for the performance of public work on behalf of the state, except as otherwise provided in this chapter.

(3) "Municipal corporation" includes any county, city, town, school corporation, or any officer, board, commission, or other agency authorized by law to award contracts for the performance of public work on behalf of a municipal corporation. The term also includes a redevelopment commission established under IC 36-7-14-3.

(4) "Public work" includes any public building, highway, street, alley, bridge, sewer, drain, improvement, or any other work of any nature or character that is paid for out of public funds, except as otherwise provided in this chapter.

Sec. 5. (a) This chapter does not apply to contractors or subcontractors performing public work for Purdue University on agricultural or forestry land owned or occupied by the university and used by it for educational or research purposes if the cost of the work is estimated to be less than fifty thousand dollars (\$50,000).

(b) Except as provided in IC 5-23, this chapter does not apply to a person that has entered into an operating agreement with the state, a municipal corporation, or another political subdivision for the management or operation of a public facility under IC 5-23.

Sec. 6. (a) A public work project may not be artificially divided into two (2) or more projects to avoid the application of this chapter.

(b) A bidder, quoter, or other person who is a party to a public work contract who knowingly violates this section commits a Class A infraction and may not be a party to, or benefit from, a public work contract for two (2) years after the date of the adjudication.

(c) An officer or employee of the state or a municipal corporation who knowingly violates this section commits a Class A infraction.

SECTION 14. IC 5-16-13-11, AS AMENDED BY P.L.213-2015, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. Except as provided in this section, the following apply to each contractor in any contractor tier of a public works project:

(1) IC 22-5-1.7. A contractor shall submit to the public agency letting the contract for a public works project, before an individual who is required to be verified under IC 22-5-1.7 begins work on the public works project, the E-Verify case verification number for the individual. An individual who is required to be verified under IC 22-5-1.7 whose final case result is final nonconfirmation may not be employed on the public works project.

(2) A contractor may not pay cash to any individual employed by the contractor for work done by the individual on the public works project.

(3) A contractor must be in compliance with the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209) and IC 22-2-2-1 through IC 22-2-2-8.

(4) A contractor must be in compliance with IC 22-3-5-1 and IC 22-3-7-34.

(5) A contractor must be in compliance with IC 22-4-1 through IC 22-4-39.5.

(6) A contractor must be in compliance with IC 4-13-18-1 through IC 4-13-18-7.

(7) A contractor must be in compliance with IC 5-16-7.3-1 through IC 5-16-7.3-6.

~~(7)~~ (8) A contractor must comply with section 12 of this chapter, if applicable.

SECTION 15. IC 5-16-13-15, AS ADDED BY P.L.252-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) This section applies to a contractor in any contractor tier of a public works project.

(b) A public agency that reasonably suspects a contractor has violated a provision of this chapter shall do one (1) of the following:

(1) If the suspected violation concerns or is related to any of the following provisions, the public agency shall refer the matter to the appropriate agency as follows:

(A) For a suspected violation of section 11(1) of this chapter (E-Verify), the Indiana department of labor.

(B) For a suspected violation of section 11(3) of this chapter (the federal FLSA or state minimum wage law), the Indiana department of labor.

(C) For a suspected violation of section 11(4) of this chapter (worker's compensation or occupational diseases), the worker's compensation board of Indiana.

(D) For a suspected violation of section 11(5) of this chapter (unemployment insurance), the department of workforce development.

(E) For a suspected violation of section 11(7) of this chapter (common construction wage), the Indiana department of labor.

(2) If the suspected violation concerns a provision of this chapter other than a provision listed in subdivision (1), the public agency shall require the contractor to remedy the violation not later than thirty (30) days after the public agency notifies the contractor of the violation. The notification to the contractor must be signed by the chief executive officer of the public agency and sent by a method that enables the public agency to verify receipt of the notice by the contractor. During the thirty (30) day period, the contractor may continue to work on the public works project. If the contractor fails to remedy the violation within the thirty (30) day period, the public agency shall find the contractor not responsible and determine the length of time the contractor is considered not responsible by the public agency.

(c) In making the determination of the length of time a contractor is not responsible under subsection (b)(2), the public agency shall consider the severity of the violation. The period during which a contractor is considered not responsible:

- (1) may not exceed forty-eight (48) months; and
- (2) begins on the date of substantial completion of the public works project.

(d) A finding by a public agency under subsection (b)(2) that a contractor is not responsible may not be used by another public agency in making a determination as to whether the contractor is responsible for purposes of that public agency's award of a public works contract to that contractor.

SECTION 16. IC 5-23-3-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.2. If a governmental body enters into a BOT agreement that involves the construction of a public facility with public funds under this section, the operator or any contractor or subcontractor engaged in the construction of the public facility shall pay the common construction wage as determined under IC 5-16-7.3.**

SECTION 17. IC 5-23-4-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2.2. If a governmental body enters into an operating agreement that involves the construction of a public facility with public funds under this section, the operator or any contractor or subcontractor engaged in the construction of the public facility shall pay the common construction wage as determined under IC 5-16-7.3.**

SECTION 18. IC 5-30-6-4, AS AMENDED BY P.L.252-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.** In addition to the design criteria package, a request for proposals must include the following:

- (1) Instructions.
- (2) Proposal forms and schedules.
- (3) General and special conditions.
- (4) The basis for evaluation of proposals, including a description of the selection criteria with the weight assigned to each criteria.
- (5) **A determination of the common construction wage made under IC 5-16-7.3.**
- (5) (6) Any other instructions, documents, or information relevant to the public project that the public agency considers relevant.

SECTION 19. IC 5-30-8-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 6.2. (a) A determination under IC 5-16-7.3-1(c) for a public project to be constructed under a design-build contract shall be made and filed with the public agency at least two (2) weeks before the date fixed for submission of the qualitative proposal and the price proposal under IC 5-30-6-5.**

(b) If the committee appointed under IC 5-16-7.3-1(b) fails to act and to file a determination under IC 5-16-7.3-1(c) within the time required by this section, the public agency shall make the determination, and its finding shall be final.

(c) The time periods set forth in this section apply to any construction services provided for a public project to be constructed under a design-build contract, instead of the time periods set forth in IC 5-16-7.3-1(h) and IC 5-16-7.3-1(i).

SECTION 20. IC 6-2.5-3.5-20, AS ADDED BY P.L.227-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20.** (a) Each refiner or terminal operator and each qualified distributor that is required to remit gasoline use tax under this chapter shall remit the tax due to the department semimonthly, through the department's online tax filing system, according to the following

schedule:

(1) On or before the tenth day of each month for gasoline sold after the fifteenth day and before the end of the preceding month.

(2) On or before the twenty-fifth day of each month for gasoline sold after the end of the preceding month and before the sixteenth day of the month in which the gasoline was sold.

(b) Before the end of each month, each refiner or terminal operator and each qualified distributor shall file an electronic report covering the taxes owed and the gallons of gasoline sold or shipped during the preceding month. The report must include the following:

(1) The number of gallons of gasoline sold or shipped during the preceding month, identifying each purchaser or receiver as required by the department.

(2) The amount of tax paid by each purchaser or recipient.

(3) Any other information reasonably required by the department, including statistics to meet federal requirements.

(c) The gasoline use tax collected under this chapter shall be deposited in the ~~same manner as state gross retail and use taxes are required to be deposited under IC 6-2.5-10-1.~~ **motor vehicle highway account (IC 8-14-1-1).**

SECTION 21. IC 6-2.5-7-5, AS AMENDED BY P.L.2-2014, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.** (a) Each retail merchant who dispenses special fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

(1) The total number of gallons of special fuel sold from a metered pump during the period covered by the report.

(2) The total amount of money received from the sale of special fuel during the period covered by the report.

(3) That portion of the amount described in subdivision (2) that represents state and federal taxes imposed under this article, IC 6-6-2.5, or Section 4041 or Section 4081 of the Internal Revenue Code.

(b) Concurrently with filing the report, the retail merchant shall remit the state gross retail tax in an amount which equals six and fifty-four hundredths percent (6.54%) of the gross receipts, including state gross retail taxes but excluding Indiana and federal special fuel taxes, received by the retail merchant from the sale of the special fuel that is covered by the report and on which the retail merchant was required to collect state gross retail tax. The retail merchant shall remit that amount regardless of the amount of state gross retail tax which the merchant has actually collected under this chapter. However, the retail merchant is entitled to deduct and retain the amounts prescribed in subsection (c), IC 6-2.5-6-10, and IC 6-2.5-6-11. **The state gross retail tax the retail merchant remits under this chapter shall be deposited in the motor vehicle highway account (IC 8-14-1-1).**

(c) A retail merchant is entitled to deduct from the amount of state gross retail tax required to be remitted under subsection (b) an amount equal to:

(1) the sum of the prepayment amounts made during the period covered by the retail merchant's report; minus

(2) the sum of prepayment amounts collected by the retail merchant, in the merchant's capacity as a qualified distributor, during the period covered by the retail merchant's report.

For purposes of this section, a prepayment of the gross retail tax is presumed to occur on the date on which it is invoiced.

SECTION 22. IC 6-2.5-10-1, AS AMENDED BY P.L.205-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.** (a) The department shall account for all state gross retail and use taxes that it collects.

(b) The department shall deposit those collections **that are**

not specified for deposit in the motor vehicle highway account under IC 6-2.5-3.5-20 and IC 6-2.5-7-5 in the following manner:

- (1) Ninety-eight and eight hundred forty-eight thousandths percent (98.848%) of the collections shall be paid into the state general fund.
- (2) One percent (1%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.
- (3) Twenty-nine thousandths of one percent (0.029%) of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.
- (4) One hundred twenty-three thousandths of one percent (0.123%) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.

SECTION 23. IC 8-1.5-2-27, AS AMENDED BY P.L.252-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) A municipality may lease waterworks facilities from a not-for-profit corporation, a public utility, a county, or a municipality. The term of the lease may not exceed fifty (50) years. The lease must provide that the municipality has an option to:

- (1) renew the lease for a further term on like conditions; and
- (2) purchase the waterworks facilities covered by the lease contract with the terms and conditions of the purchase specified in the lease.

(b) If the option to purchase the waterworks facilities covered by the lease is exercised, the municipality, for the purpose of procuring money to pay the purchase price, may issue and sell revenue bonds under other laws governing the issuance and sale of waterworks revenue bonds for additions and extensions to municipal waterworks.

(c) If the municipality has not exercised an option to purchase the property covered by the lease at the expiration of the lease, and upon the full discharge and performance by the municipality of its obligations under the lease contract, the property covered by the lease thereupon becomes the absolute property of the municipality, and the lessor shall execute proper instruments conveying to the municipality good and merchantable title thereto.

(d) A waterworks facility leased under this section is subject to IC 5-16-7.3.

SECTION 24. IC 8-10-1-7.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.7. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

- (1) A person who has registered a motor vehicle in Indiana.
- (2) A person who is registered to vote in Indiana.
- (3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.
- (4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.
- (5) A person who:
 - (A) works from an office in Indiana;
 - (B) is on a payroll from a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who work on the contract; and
- (2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(c) Before August 15, 2017, and before August 15 each year thereafter, the commission shall file with the legislative council a report stating:

- (1) for each contractor awarded a contract under this chapter; and
- (2) for each subcontractor with whom a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the commission determines that the contractor has failed to:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and
- (2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor who fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

- (1) Issuing a request for proposals.
- (2) Issuing a bulletin inviting bids for the contract.
- (3) Prequalifying a contractor for the contract.
- (4) Evaluating a bid for the contract.

(i) This section does not apply to contracts entered into to

perform work:

- (1) resulting from an emergency; or
- (2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 25. IC 8-10-1-7.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.9. (a) As used in this section, "Indiana business" refers to any of the following:

- (1) A business whose principal place of business is located in Indiana.
- (2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
- (3) A business that employs residents of Indiana as a majority of its employees.
- (4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.
- (5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) There is a ten percent (10%) price preference for an Indiana business that:

- (1) submits a bid for the performance of the work on a public works project; and
- (2) claims the preference under subsection (e).

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all the following:

- (1) State in the business's bid that the business claims the preference provided by this section.
- (2) Provide the following information to the commission and the department of administration:
 - (A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.
 - (B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.
 - (C) The number of the business's employees and the number of the business's employees who are residents of Indiana.
 - (D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.
 - (E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 26. IC 8-14-1-1, AS AMENDED BY P.L.216-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter:

- (1) "Motor vehicle highway account" means the account of the general fund of the state known as the "motor vehicle highway account" to which is credited collections

from motor vehicle registration fees, licenses, driver's and chauffeur's license fees, gasoline taxes, auto transfer fees, certificate of title fees, weight taxes or excise taxes and all other similar special taxes, duties or excises of all kinds on motor vehicles, trailers, motor vehicle fuel, or motor vehicle owners or operators. The account also includes amounts distributed to the fund under IC 9-29 and the money deposited in the account under IC 6-2.5-3.5-20 and IC 6-2.5-7-5.

(2) The term "department" refers to the Indiana department of transportation.

(3) The term "highways" includes roadway, rights of way, bridges, drainage structures, signs, guard rails, protective structures in connection with highways, drains, culverts, and bridges and the substructure and superstructure of bridges and approaches thereto and streets and alleys of cities or towns.

(4) The term "construction" means the planning, supervising, inspecting, actual building, draining, and all expenses incidental to the construction of a highway.

(5) The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof.

(6) The term "maintenance" when used in reference to cities, towns, and counties as applied to that part of the highway other than bridges, means the constant making of needed repairs, to preserve a smooth surfaced highway, adequately drained, marked and guarded by protective structures for public safety and, as to bridges, means the constant making of needed repairs to preserve a smooth surfaced highway thereon and the safety and preservation of the bridge and its approaches, together with the substructure and superstructure thereof; and such term also means and includes the acquisition and use, in any manner, of all needed equipment, fuel, materials, and supplies essential and incident thereto.

(7) The term "vehicle registration" means the number of vehicles subject to registration under IC 9-18 which are registered thereunder, and, when used with respect to the state, shall mean the number of vehicles registered in the state and, when used in respect to a county, city, or town, shall mean the number of vehicles registered by owners resident in the county, city, or town.

SECTION 27. IC 8-15.5-6-2, AS AMENDED BY P.L.252-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Unless otherwise provided by federal law or this section, the operator or any contractor or subcontractor of the operator engaged in the construction of a project is not required to comply with IC 4-13.6 or IC 5-16 concerning state public works, IC 5-17 concerning purchases of materials and supplies, or other statutes concerning procedures for procurement of public works or personal property as a condition of being awarded and performing work on the project.

(b) IC 5-16-7.3 concerning the common construction wage applies to the operator or any contractor or subcontractor of the operator engaged in the construction of a project that is the subject of a public-private agreement entered into after June 30, 2016.

SECTION 28. IC 8-15.7-6-2, AS AMENDED BY P.L.252-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Unless otherwise provided by federal law or this section, the operator or any contractor or subcontractor of the operator engaged in the construction of a project is not required to comply with IC 4-13.6 or IC 5-16 concerning state public works, IC 5-17 concerning purchases of materials and supplies, or other statutes concerning procedures for procurement of public works or personal property as a condition of being awarded and performing work on the project.

(b) IC 5-16-7.3 concerning the common construction

wage applies to the operator or any contractor or subcontractor of the operator engaged in the construction of a project that is the subject of a public-private agreement entered into after June 30, 2016.

SECTION 29. IC 8-23-9-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.6. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

- (1) A person who has registered a motor vehicle in Indiana.
- (2) A person who is registered to vote in Indiana.
- (3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.
- (4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.
- (5) A person who:
 - (A) works from an office in Indiana;
 - (B) is on a payroll from a business located in Indiana;
 - (C) possesses a telephone with a telephone number that has an Indiana area code; or
 - (D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who work on the contract; and
- (2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees working on the subcontract.

(c) Before August 15, 2017, and before August 15 each year thereafter, the department shall file with the legislative council a report stating:

- (1) for each contractor awarded a contract under this chapter; and
- (2) for each subcontractor with whom a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the department determines that the contractor has failed to:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and
- (2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor who fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of

Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The department may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

- (1) Issuing a request for proposals.
- (2) Issuing a bulletin inviting bids for the contract.
- (3) Prequalifying a contractor for the contract.
- (4) Evaluating a bid for the contract.

(i) This section does not apply to contracts entered into to perform work:

- (1) resulting from an emergency; or
- (2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 30. IC 8-23-9-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23.5. (a) As used in this section, "Indiana business" refers to any of the following:

- (1) A business whose principal place of business is located in Indiana.
- (2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
- (3) A business that employs residents of Indiana as a majority of its employees.
- (4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.
- (5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) Except as prohibited by federal law, there is a ten percent (10%) price preference for an Indiana business that:

- (1) submits a bid for the performance of the work on a highway project; and
- (2) claims the preference under subsection (e).

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d) and any federal statute or regulation to the contrary, a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) A business that wants to claim a preference provided under this section must do all the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the department and the Indiana department of administration:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 31. IC 8-24-9-1, AS AMENDED BY P.L.252-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The district shall comply with **IC 5-16-7.3 (common construction wage)**, IC 5-22 (public purchasing), IC 36-1-12 (public work projects), and any applicable federal bidding statutes and regulations.

SECTION 32. IC 16-22-6-37, AS AMENDED BY P.L.252-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 37. (a) A county or the governing board of the hospital may remodel or construct an addition to a hospital building leased under this chapter.

(b) To provide funds for that purpose, the county may issue general obligation bonds or appropriate money from the county's general fund or other funds available for that purpose if the hospital building is owned by the county. The governing board of a hospital may use funds available to the board if the hospital building is owned by the county.

(c) A contract entered into under this chapter for a public work (as defined in IC 5-16-7.3-4) is subject to IC 5-16-7.3.

SECTION 33. IC 16-22-7-42, AS AMENDED BY P.L.252-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 42. (a) The governing board of the hospital may remodel or construct an addition to a hospital building leased by the hospital under this chapter.

(b) To provide funds for that purpose, the county may issue general obligation aid bonds or the city hospital or city may appropriate money from the city hospital's or city's general fund or other funds available for that purpose if the hospital building is owned by the city hospital or city. The governing board of the hospital may use any funds available to the board if the hospital building is owned by the city.

(c) A contract entered into under this chapter for a public work (as defined in IC 5-16-7.3-4) is subject to IC 5-16-7.3.

SECTION 34. IC 22-1-1-16, AS AMENDED BY P.L.252-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. The commissioner of labor and the commissioner's authorized representative shall have the power and the authority to enter any place of employment for the purpose of collecting facts and statistics relating to the employment of workers and of making inspections for the proper enforcement of all of the labor laws of Indiana, **including IC 5-16-7.3**. An employer or owner may

not refuse to admit the commissioner of labor or the commissioner's authorized representatives to the employer's or owner's place of employment.

SECTION 35. IC 35-44.2-3-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.2. A person who commits a wage scale violation in a state public works contract is subject to criminal prosecution under IC 5-16-7.3-3.**

SECTION 36. IC 35-44.2-3-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.2. A person who unlawfully divides a public works project is subject to a civil action for an infraction under IC 5-16-7.3-6.**

SECTION 37. IC 35-52-5-8.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8.2. IC 5-16-7.3-3 defines a crime concerning the wage rate of contractors' and subcontractors' employees.**

SECTION 38. IC 36-1-12-3, AS AMENDED BY P.L.213-2015, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The board may purchase or lease materials in the manner provided in IC 5-22 and perform any public work, by means of its own workforce, without awarding a contract whenever the cost of that public work project is estimated to be less than ~~two one~~ hundred fifty thousand dollars (~~\$250,000~~): **(\$150,000)**. Before a board may perform any work under this section by means of its own workforce, the political subdivision or agency must have a group of employees on its staff who are capable of performing the construction, maintenance, and repair applicable to that work. For purposes of this subsection, the cost of a public work project includes:

- (1) the actual cost of materials, labor, equipment, and rental;
- (2) a reasonable rate for use of trucks and heavy equipment owned; and
- (3) all other expenses incidental to the performance of the project.

(b) This subsection applies only to a municipality or a county. The workforce of a municipality or county may perform a public work described in subsection (a) only if:

- (1) the workforce, through demonstrated skills, training, or expertise, is capable of performing the public work; and
- (2) for a public work project under subsection (a) whose cost is estimated to be more than one hundred thousand dollars (\$100,000), the board:

(A) publishes a notice under IC 5-3-1 that:

- (i) describes the public work that the board intends to perform with its own workforce; and
- (ii) sets forth the projected cost of each component of the public work as described in subsection (a); and

(B) determines at a public meeting that it is in the public interest to perform the public work with the board's own workforce.

A public work project performed by a board's own workforce must be inspected and accepted as complete in the same manner as a public work project performed under a contract awarded after receiving bids.

(c) When the project involves the rental of equipment with an operator furnished by the owner, or the installation or application of materials by the supplier of the materials, the project is considered to be a public work project and subject to this chapter. However, an annual contract may be awarded for equipment rental and materials to be installed or applied during a calendar or fiscal year if the proposed project or projects are described in the bid specifications.

(d) A board of aviation commissioners or an airport authority board may purchase or lease materials in the manner provided

in IC 5-22 and perform any public work by means of its own workforce and owned or leased equipment, in the construction, maintenance, and repair of any airport roadway, runway, taxiway, or aircraft parking apron whenever the cost of that public work project is estimated to be less than one hundred thousand dollars (\$100,000).

(e) Municipal and county hospitals must comply with this chapter for all contracts for public work that are financed in whole or in part with cumulative building fund revenue, as provided in section 1(c) of this chapter. However, if the cost of the public work is estimated to be less than fifty thousand dollars (\$50,000), as reflected in the board minutes, the hospital board may have the public work done without receiving bids, by purchasing the materials and performing the work by means of its own workforce and owned or leased equipment.

(f) If a public works project involves a structure, an improvement, or a facility under the control of a department (as defined in IC 4-3-19-2(2)), the department may not artificially divide the project to bring any part of the project under this section.

SECTION 39. IC 36-1-12-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.5. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

- (1) A person who has registered a motor vehicle in Indiana.
- (2) A person who is registered to vote in Indiana.
- (3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.
- (4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.
- (5) A person who:
 - (A) works from an office in Indiana;
 - (B) is on a payroll from a business located in Indiana;
 - (C) possesses a telephone with a telephone number that has an Indiana area code; or
 - (D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor who does not:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who work on the contract; and
- (2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees working on the subcontract.

(c) A contract awarded under this chapter for a public works project is terminated if the unit determines that the contractor has failed to:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and
- (2) enter into subcontracts only with subcontractors who employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(d) A contractor or subcontractor who fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(e) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (d) do not apply.

(f) If an agency of the federal government makes a determination under subsection (e) that causes a contract to be exempted from the requirements of subsections (a) through (d), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(g) A contract exempted from the requirements of subsections (a) through (d) may not reference the employment of Indiana residents. A unit may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (d):

- (1) Issuing a request for proposals.
- (2) Issuing a bulletin inviting bids for the contract.
- (3) Prequalifying a contractor for the contract.
- (4) Evaluating a bid for the contract.

(h) This section does not apply to contracts entered into to perform work:

- (1) resulting from an emergency; or
- (2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 40. IC 36-1-12-15, AS AMENDED BY P.L.252-2015, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. (a) A contract by the board for public work must conform to the wage scale provisions of IC 5-16-7.3.**

~~(a)~~ (b) A contract by the board for public work must conform to IC 5-16-13.

~~(b)~~ (c) A contract by the board for public work must conform with the antidiscrimination provisions of IC 5-16-6. The board may consider a violation of IC 5-16-6 a material breach of the contract, as provided in IC 22-9-1-10.

SECTION 41. IC 36-1-12.5-5, AS AMENDED BY P.L.252-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5. (a) The governing body may enter into an agreement with a public utility to participate in a utility efficiency program or enter into a guaranteed savings contract with a qualified provider to increase the political subdivision's billable revenues or reduce the school corporation's or the political subdivision's energy or water consumption, wastewater usage costs, or operating costs if, after review of the report described in section 6 of this chapter, the governing body finds:**

- (1) in the case of conservation measures other than those that are part of a project related to the alteration of a water or wastewater structure or system, that the amount the governing body would spend on the conservation measures under the contract and that are recommended in the report is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over twenty (20) years from the date of installation if the recommendations in the report were followed;
- (2) in the case of conservation measures that are part of a

project related to the alteration of a water or wastewater structure or system, that the amount the governing body would spend on the conservation measures under the contract and that are recommended in the report is not likely to exceed the amount of increased billable revenues or the amount to be saved in energy and water consumption costs, wastewater usage costs, and other operating costs over twenty (20) years from the date of installation if the recommendations in the report were followed; and

(3) in the case of a guaranteed savings contract, the qualified provider provides a written guarantee as described in subsection (d)(3).

(b) Before entering into an agreement to participate in a utility efficiency program or a guaranteed savings contract under this section, the governing body must publish notice under subsection (c) indicating:

(1) that the governing body is requesting public utilities or qualified providers to propose conservation measures through:

(A) a utility efficiency program; or

(B) a guaranteed savings contract; and

(2) the date, the time, and the place where proposals must be received.

(c) The notice required by subsection (b) must:

(1) be published in two (2) newspapers of general circulation in the county where the school corporation or the political subdivision is located;

(2) be published two (2) times with at least one (1) week between publications and with the second publication made at least thirty (30) days before the date by which proposals must be received; and

(3) meet the requirements of IC 5-3-1-1.

(d) An agreement to participate in a utility efficiency program or guaranteed savings contract under this section must provide that:

(1) in the case of conservation measures other than those that are part of a project related to the alteration of a water or wastewater structure or system, all payments, except obligations upon the termination of the agreement or contract before the agreement or contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of twenty (20) years or the average life of the conservation measures installed from the date of final installation;

(2) in the case of conservation measures that are part of a project related to the alteration of a water or wastewater structure or system, all payments, except obligations upon the termination of the agreement or contract before the agreement or contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of twenty (20) years or the average life of the conservation measures installed from the date of final installation;

(3) in the case of the guaranteed savings contract:

(A) the:

(i) savings in energy and water consumption costs, wastewater usage costs, and other operating costs; and

(ii) increase in billable revenues;

due to the conservation measures are guaranteed to cover the costs of the payments for the measures; and
(B) the qualified provider will reimburse the school corporation or political subdivision for the difference between the guaranteed savings and the actual savings; and

(4) payments are subject to annual appropriation by the fiscal body of the school corporation or political subdivision and do not constitute an indebtedness of the school corporation or political subdivision within the

meaning of a constitutional or statutory debt limitation.

(e) An agreement or a contract under this chapter is subject to IC 5-16-7.3.

SECTION 42. IC 36-7-12-20, AS AMENDED BY P.L.252-2015, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) All tax revenues coming into possession of the economic development commission shall be deposited, held, and secured in accordance with the statutes relating to the handling and investing of public funds. The handling and expenditure of this money is subject to audit and supervision by the state board of accounts.

(b) Contracts for construction and equipment of economic development or pollution control facilities need not be let in accordance with IC 5-16, IC 5-17, or any other statute relating to public contracts. **However, the construction of waterworks facilities financed for the public purpose of providing reliable water service is subject to IC 5-16-7.3.**

(c) Any employee of the economic development commission authorized to receive, disburse, or in any other way handle money or negotiable securities of the commission shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in the state. The bond must be in an amount determined by the commission, and must be conditioned upon the employee's faithful performance of the employee's duties and the accounting for all monies and property that may come into the employee's hands or under the employee's control. The cost of these bonds shall be paid by the commission.

SECTION 43. IC 36-7-14-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12.5. IC 5-16-7.3 applies to:**

(1) a person that enters into a contract with a redevelopment commission to perform construction work referred to in section 12.2(a)(4), 12.2(a)(7), 12.2(a)(21), or 12.2(a)(22) of this chapter; and

(2) a subcontractor of a person described in subdivision (1) for the construction work referred to in subdivision (1).

SECTION 44. IC 36-7.5-2-8, AS AMENDED BY P.L.252-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The development authority must comply with **IC 5-16-7.3 (common construction wage)**, IC 5-22 (public purchasing), IC 36-1-12 (public work projects), and any applicable federal bidding statutes and regulations. An eligible political subdivision that receives a loan, a grant, or other financial assistance from the development authority or enters into a lease with the development authority must comply with applicable federal, state, and local public purchasing and bidding law and regulations. However, a purchasing agency (as defined in IC 5-22-2-25) of an eligible political subdivision may:

(1) assign or sell a lease for property to the development authority; or

(2) enter into a lease for property with the development authority;

at any price and under any other terms and conditions as may be determined by the eligible political subdivision and the development authority. However, before making an assignment or sale of a lease or entering into a lease under this section that would otherwise be subject to IC 5-22, the eligible political subdivision or its purchasing agent must obtain or cause to be obtained a purchase price for the property to be subject to the lease from the lowest responsible and responsive bidder in accordance with the requirements for the purchase of supplies under IC 5-22.

(b) In addition to the provisions of subsection (a), with respect to projects undertaken by the authority, the authority shall set a goal for participation by minority business enterprises of fifteen percent (15%) and women's business enterprises of

five percent (5%), consistent with the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services. In fulfilling the goal, the authority shall take into account historical precedents in the same market.

SECTION 45. IC 36-7.5-4-3, AS AMENDED BY P.L.252-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) **Subject to subsection (h)**, the development authority may issue bonds for the purpose of obtaining money to pay the cost of:

- (1) acquiring real or personal property, including existing capital improvements;
- (2) acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects; or
- (3) funding or refunding bonds issued under this chapter or IC 8-5-15, IC 8-22-3, IC 36-7-13.5, or IC 36-9-3 or prior law.

(b) The bonds are payable solely from:

- (1) the lease rentals from the lease of the projects for which the bonds were issued, insurance proceeds, and any other funds pledged or available; and
- (2) except as otherwise provided by law, revenue received by the development authority and amounts deposited in the development authority fund.

(c) The bonds shall be authorized by a resolution of the development board.

(d) The terms and form of the bonds shall either be set out in the resolution or in a form of trust indenture approved by the resolution.

(e) The bonds shall mature within forty (40) years.

(f) The board shall sell the bonds only to the Indiana finance authority established by IC 4-4-11-4 upon the terms determined by the development board and the Indiana finance authority.

(g) All money received from any bonds issued under this chapter shall be applied solely to the payment of the cost of acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

- (1) planning and development of equipment or a facility and all buildings, facilities, structures, equipment, and improvements related to the facility;
- (2) acquisition of a site and clearing and preparing the site for construction;
- (3) equipment, facilities, structures, and improvements that are necessary or desirable to make the project suitable for use and operations;
- (4) architectural, engineering, consultant, and attorney's fees;
- (5) incidental expenses in connection with the issuance and sale of bonds;
- (6) reserves for principal and interest;
- (7) interest during construction;
- (8) financial advisory fees;
- (9) insurance during construction;
- (10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and
- (11) in the case of refunding or refinancing, payment of the principal of, redemption premiums (if any) for, and interest on, the bonds being refunded or refinanced.

(h) The development authority may not issue bonds under this article unless the development authority first finds that each contract for the construction of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part through the issuance of the bonds requires payment of the common construction wage required by IC 5-16-7.3.

SECTION 46. IC 36-7.6-2-13, AS AMENDED BY P.L.252-2015, SECTION 50, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A development authority shall comply with **IC 5-16-7.3 (common construction wage)**, IC 5-22 (public purchasing), IC 36-1-12 (public work projects), and any applicable federal bidding statutes and regulations. An eligible political subdivision that receives a loan, a grant, or other financial assistance from a development authority or enters into a lease with a development authority must comply with applicable federal, state, and local public purchasing and bidding laws and regulations. However, a purchasing agency (as defined in IC 5-22-2-25) of an eligible political subdivision may:

- (1) assign or sell a lease for property to a development authority; or
- (2) enter into a lease for property with a development authority;

at any price and under any other terms and conditions as may be determined by the eligible political subdivision and the development authority. However, before making an assignment or a sale of a lease or entering into a lease under this section that would otherwise be subject to IC 5-22, the eligible political subdivision or its purchasing agent must obtain or cause to be obtained a purchase price for the property to be subject to the lease from the lowest responsible and responsive bidder in accordance with the requirements for the purchase of supplies under IC 5-22.

(b) In addition to the provisions of subsection (a), with respect to projects undertaken by a development authority, the development authority shall set a goal for participation by minority business enterprises and women's business enterprises. The goals must be consistent with:

- (1) the participation goals established by the counties and municipalities that are members of the development authority; and
- (2) the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services.

SECTION 47. IC 36-7.6-4-3, AS AMENDED BY P.L.178-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) **Subject to subsection (h)**, a development authority may issue bonds for the purpose of obtaining money to pay the cost of:

- (1) acquiring real or personal property, including existing capital improvements;
- (2) acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects; or
- (3) funding or refunding bonds issued under this chapter, IC 8-5-15, IC 8-22-3, IC 36-9-3, or prior law.

(b) The bonds are payable solely from:

- (1) the lease rentals from the lease of the projects for which the bonds were issued, insurance proceeds, and any other funds pledged or available; and
- (2) except as otherwise provided by law, revenue received by the development authority and amounts deposited in the development authority fund.

(c) The bonds must be authorized by a resolution of the development board of the development authority that issues the bonds.

(d) The terms and form of the bonds must either be set out in the resolution or in a form of trust indenture approved by the resolution.

(e) The bonds must mature within forty (40) years.

(f) A development board shall sell the bonds only to the Indiana bond bank established by IC 5-1.5-2-1 upon the terms determined by the development board and the Indiana bond bank.

(g) All money received from any bonds issued under this chapter shall be applied solely to the payment of the cost of acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued.

The cost may include:

- (1) planning and development of equipment or a facility and all buildings, facilities, structures, equipment, and improvements related to the facility;
 - (2) acquisition of a site and clearing and preparing the site for construction;
 - (3) equipment, facilities, structures, and improvements that are necessary or desirable to make the project suitable for use and operations;
 - (4) architectural, engineering, consultant, and attorney's fees;
 - (5) incidental expenses in connection with the issuance and sale of bonds;
 - (6) reserves for principal and interest;
 - (7) interest during construction;
 - (8) financial advisory fees;
 - (9) insurance during construction;
 - (10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and
 - (11) in the case of refunding or refinancing, payment of the principal of, redemption premiums (if any) for, and interest on the bonds being refunded or refinanced.
- (h) A development authority may not issue bonds under this article or otherwise finance debt unless:
- (1) the development authority enters into an interlocal agreement with each member that is committing funds to a project to be supported by the bonds; ~~and~~
 - (2) the fiscal body of each member that is committing funds to the project to be supported by the bonds approves the agreement described in subdivision (1) by ordinance; ~~and~~
 - (3) the development authority finds that each contract for the construction of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part through the issuance of the bonds requires payment of the common construction wage required by IC 5-16-7.3.**

SECTION 48. IC 36-9-23-2, AS AMENDED BY P.L.252-2015, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A municipality may:

- (1) acquire, construct, improve, operate, and maintain sewage works under this chapter;
- (2) acquire, by gift, grant, purchase, condemnation, or otherwise, all lands, rights-of-way, and other property that are necessary for the sewage works;
- (3) issue revenue bonds to pay the cost of acquiring, constructing, and improving the sewage works and property; and
- (4) lease sewage works from a person, an entity, a corporation, a public utility, or a unit for a term not to exceed fifty (50) years.

(b) A sewage works leased under this section is subject to IC 5-16-7.3.

SECTION 49. [EFFECTIVE JULY 1, 2016] (a) **IC 6-2.5-3.5-20 and IC 6-2.5-7-5, as amended by this act, apply to sales and use taxes collected after June 30, 2016.**

(b) Before August 1, 2016, the treasurer of state shall transfer to the motor vehicle highway account (IC 8-14-1-1) an amount equal to:

- (1) the use taxes collected on gasoline; and**
- (2) the state gross retail taxes collected on special fuel; for the six (6) month period beginning January 1, 2016, and ending June 30, 2016.**

(c) This SECTION expires January 1, 2019.

(Reference is to HB 1001 as printed January 29, 2016.)

FORESTAL

Representative Torr rose to a point of order, citing Rule 119, stating that the motion was attempting to strip the entire contents

of House Bill 1001 and insert different content without written consent of the author of the bill. After discussion and in light of the importance of the topic, Representative Torr withdrew the point of order.

The question was on the motion of Representative Forestal.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on this amendment to House Bill 1001. Pursuant to House Rule 46, the reason for the request is the following:

"I have a conflict of interest in that the legislative matter could be expected to have a unique, direct and substantial effect on the income of my child's corporation."

RIECKEN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of House Bill 1001, Amendment 11. Pursuant to House Rule 46, the reason for the request is the following:

"I have a conflict of interest in the matter before the House which could reasonably be expected to have a unique, direct and substantial effect on the income of a corporation for which I am an officer and hold an ownership interest."

WASHBURNE

Motion prevailed.

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 106: yeas 28, nays 66. Motion failed.

There being no further amendments, the bill was ordered engrossed.

House Bill 1082

Representative Wolkins called down House Bill 1082 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1082-1)

Mr. Speaker: I move that House Bill 1082 be amended to read as follows:

Page 2, line 9, after "a" insert "**state**".

Page 2, line 10, after "standard" insert "**adopted or established**".

(Reference is to HB 1082 as printed January 29, 2016.)

PIERCE

Upon request of Representatives Mahan and VanNatter, the Speaker ordered the roll of the House to be called. Roll Call 107: yeas 93, nays 0. Motion prevailed. The bill was ordered engrossed.

House Bill 1127

Representative Lehman called down House Bill 1127 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1156

Representative Frizzell called down House Bill 1156 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1156-1)

Mr. Speaker: I move that House Bill 1156 be amended to read as follows:

Page 2, line 26, strike "and".

Page 2, line 28, strike "forty-five (45)" and insert "**ninety**".

(90)".

Page 2, line 41, strike "subdivisions" and insert "subdivision".

(Reference is to HB 1156 as printed January 29, 2016.)

FRIZZELL

Motion prevailed. The bill was ordered engrossed.

House Bill 1157

Representative Frizzell called down House Bill 1157 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1157-1)

Mr. Speaker: I move that House Bill 1157 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 1. IC 33-23-1-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. "Drug related felony" has the meaning set forth in IC 35-48-1-16.3.**

SECTION 2. IC 33-23-1-9.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.7. "NPLEx" refers to the National Precursor Log Exchange.**

SECTION 3. IC 33-24-6-3, AS AMENDED BY P.L.284-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:

(A) The volume, condition, and type of business conducted by the courts.

(B) The methods of procedure in the courts.

(C) The work accomplished by the courts.

(D) The receipt and expenditure of public money by and for the operation of the courts.

(E) The methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the judicial technology and automation project fund established by section 12 of this chapter.

(7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

(A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;

(B) at the option of the county prosecuting attorney, for:

- (i) a prosecuting attorney's case management system;
- (ii) a county court case management system; and
- (iii) a county court case management system developed and operated by the division of state court administration;

to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and

(C) between county court case management systems and the case management system developed and operated by the division of state court administration.

The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The division shall notify NPLeX of each drug related felony entered after June 30, 2012, and do the following:

(A) Provide NPLeX with the following information:

(i) The convicted individual's full name.

(ii) The convicted individual's date of birth.

(iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.

(iv) The date the individual was convicted of the drug related felony.

Upon receipt of the information from the division, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the drug related felony of an individual reported under clause (A) has been:

(i) set aside;

(ii) reversed;

(iii) expunged; or

(iv) vacated.

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

~~(9)~~ **(10) Staff the judicial technology oversight committee established by IC 33-23-17-2.**

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section."

Page 2, line 15, delete "IC 35-48-4-18(a)." and insert **"IC35-48-1-16.3."**

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 4. IC 35-48-1-16.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.3. "Drug related felony" means a felony conviction for an offense described in:**

(1) IC 35-48-4-1 through IC 35-48-4-11.5; or

(2) IC 35-48-4-13 through IC 35-48-4-14.7."

Page 5, line 21, delete "IC35-48-4-18(a));" and insert **"IC35-48-1-16.3);"**

Page 8, line 25, delete "IC10-11-2-31.5." and insert **"IC 33-24-6-3."**

Page 10, delete lines 17 through 35.
 Renumber all SECTIONS consecutively.
 (Reference is to HB 1157 printed January 29, 2016.)
 FRIZZELL

Motion prevailed. The bill was ordered engrossed.

House Bill 1211

Representative Carbaugh called down House Bill 1211 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1211-1)

Mr. Speaker: I move that House Bill 1211 be amended to read as follows:

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 3. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter, "drug dealing offense" means one (1) or more of the following offenses:

- (1) Dealing in cocaine or a narcotic drug (IC35-48-4-1), unless the person received only minimal consideration as a result of the drug transaction.
- (2) Dealing in methamphetamine (IC35-48-4-1.1) **or manufacturing methamphetamine (IC35-48-4-1.2)**, unless the person received only minimal consideration as a result of the drug transaction.
- (3) Dealing in a schedule I, II, III, IV, or V controlled substance (IC35-48-4-2 through IC 35-48-4-4), unless the person received only minimal consideration as a result of the drug transaction.
- (4) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC35-48-4-10), unless the person received only minimal consideration as a result of the drug transaction.

SECTION 4. IC 16-31-3-14.5, AS AMENDED BY P.L.238-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or licensure or permanently revoke a certificate or license under procedures provided by section 14 of this chapter if the individual who holds the certificate or license issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1 **or manufacturing methamphetamine under IC 35-48-4-1.2**.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.
- (10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(13) A crime of violence (as defined in IC 35-50-1-2(a)).

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under this section.

SECTION 5. IC 20-28-5-8, AS AMENDED BY P.L.238-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC35-42-3-2).

(2) Criminal confinement (IC35-42-3-3).

(3) Rape (IC35-42-4-1).

(4) Criminal deviate conduct (IC35-42-4-2) (before its repeal).

(5) Child molesting (IC35-42-4-3).

(6) Child exploitation (IC35-42-4-4(b)).

(7) Vicarious sexual gratification (IC35-42-4-5).

(8) Child solicitation (IC35-42-4-6).

(9) Child seduction (IC35-42-4-7).

(10) Sexual misconduct with a minor (IC35-42-4-9).

(11) Incest (IC35-46-1-3).

(12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(13) Dealing in methamphetamine (IC35-48-4-1.1) **or manufacturing methamphetamine (IC35-48-4-1.2)**.

(14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(16) Dealing in a schedule V controlled substance (IC35-48-4-4).

(17) Dealing in a counterfeit substance (IC35-48-4-5).

(18) Dealing in marijuana, hash oil, hashish, or salvia as a felony (IC35-48-4-10).

(19) Dealing in a synthetic drug or synthetic drug lookalike substance (IC35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013).

(20) Possession of child pornography (IC35-42-4-4(c)).

(21) Homicide (IC35-42-1).

(22) Voluntary manslaughter (IC35-42-1-3).

(23) Reckless homicide (IC35-42-1-5).

(24) Battery as any of the following:

(A) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).

(B) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).

(C) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).

(25) Aggravated battery (IC35-42-2-1.5).

(26) Robbery (IC35-42-5-1).

(27) Carjacking (IC35-42-5-2) (before its repeal).

(28) Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a)).

(29) Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).

(30) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(31) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 6. IC 22-15-5-16, AS AMENDED BY P.L.238-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;

(5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;

(6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(7) continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an

individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(12) allowed a license issued by the department to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.

(2) Suspension of a practitioner's license.

(3) Censure of a practitioner.

(4) Issuance of a letter of reprimand.

(5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A

certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike substance as a:
 - (A) Class D felony for a crime committed before July 1, 2014, under:
 - (i) IC 35-48-4-11, before its amendment in 2013; or
 - (ii) IC 35-48-4-11.5; or
 - (B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.
- (10) Maintaining a common nuisance under IC 35-48-4-13.
- (11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.
- (13) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
- (14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1 **or manufacturing methamphetamine under**

IC 35-48-4-1.2.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.

(14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered

license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 7. IC 25-1-1.1-3, AS AMENDED BY P.L.238-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1 or **manufacturing methamphetamine under IC 35-48-4-1.2.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.
- (10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.
- (14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 8. IC 34-24-1-1, AS AMENDED BY P.L.237-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The following may be seized:

- (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:
 - (A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:
 - (i) Dealing in or manufacturing cocaine or a narcotic

drug (IC35-48-4-1).

(ii) Dealing in methamphetamine (IC35-48-4-1.1) or **manufacturing methamphetamine (IC35-48-4-1.2).**

(iii) Dealing in a schedule I, II, or III controlled substance (IC35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC35-48-4-6).

(viii) Possession of methamphetamine (IC35-48-4-6.1).

(ix) Dealing in paraphernalia (IC35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).

(xi) Dealing in a synthetic drug or synthetic drug lookalike substance (IC35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

(B) Any stolen (IC35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of; murder (IC35-42-1-1), kidnapping (IC35-42-3-2), criminal confinement (IC35-42-3-3), rape (IC35-42-4-1), child molesting (IC35-42-4-3), or child exploitation (IC35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC35-48-4-1.1) or **manufacturing methamphetamine (IC35-48-4-1.2).**

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance

- (IC 35-48-4-3).
- (E) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (F) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).
- (6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).
- (7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.
- (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).
- (9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.
- (10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.
- (11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.
- (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.
- (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.
- (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:
- (A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.
- (B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.
- (15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:
- (A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:
- (i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
- (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or
- (B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:
- (i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
- (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.
- If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).
- (16) The following real or personal property:
- (A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).
- (B) Property constituting, derived from, or traceable to

the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(18) Real or personal property, including a vehicle, that is used by a person to:

- (A) commit, attempt to commit, or conspire to commit;
- (B) facilitate the commission of; or
- (C) escape from the commission of;

a violation of IC 35-42-3.5-1 (human trafficking) or IC 35-45-4-4 (promoting prostitution).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

- (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).
- (2) IC 35-48-4-1.1 (dealing in methamphetamine) **or IC 35-48-4-1.2 (manufacturing methamphetamine).**
- (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).
- (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- (5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.
- (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.
- (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.
- (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.
- (9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).

(e) A vehicle operated by a person who is not:

- (1) an owner of the vehicle; or
- (2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 9. IC 35-31.5-2-217, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 217. "Offense relating to controlled substances" means the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (2) Dealing in methamphetamine (IC 35-48-4-1.1) **or**

manufacturing methamphetamine (IC35-48-4-1.2).

- (3) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (4) Dealing in a schedule IV controlled substance (IC35-48-4-3).
- (5) Dealing in a schedule V controlled substance (IC35-48-4-4).
- (6) Possession of cocaine or a narcotic drug (IC35-48-4-6).
- (7) Possession of methamphetamine (IC35-48-4-6.1).
- (8) Possession of a controlled substance (IC35-48-4-7).
- (9) Possession of paraphernalia (IC35-48-4-8.3).
- (10) Dealing in paraphernalia (IC35-48-4-8.5).
- (11) Offenses relating to registration (IC35-48-4-14).

SECTION 10. IC 35-42-1-1, AS AMENDED BY P.L.168-2014, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct (under IC 35-42-4-2 before its repeal), kidnapping, rape, robbery, human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking (before its repeal);
- (3) kills another human being while committing or attempting to commit:
 - (A) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
 - (B) dealing in ~~or manufacturing~~ methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2).**
 - (C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
 - (D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
 - (E) dealing in a schedule V controlled substance; or
- (4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);

commits murder, a felony."

Page 3, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 12. IC 35-45-6-1, AS AMENDED BY P.L.168-2014, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

- (1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or
- (2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-19, or of a rule or order issued

under IC 23-19.

- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC35-42-1-1).
- (6) Battery as a Class C felony before July 1, 2014, or a Level 5 felony after June 30, 2014 (IC35-42-2-1).
- (7) Kidnapping (IC35-42-3-2).
- (8) Human and sexual trafficking crimes (IC35-42-3.5).
- (9) Child exploitation (IC35-42-4-4).
- (10) Robbery (IC35-42-5-1).
- (11) Carjacking (IC35-42-5-2) (before its repeal).
- (12) Arson (IC35-43-1-1).
- (13) Burglary (IC35-43-2-1).
- (14) Theft (IC35-43-4-2).
- (15) Receiving stolen property (IC35-43-4-2).
- (16) Forgery (IC35-43-5-2).
- (17) Fraud (IC35-43-5-4(1) through IC 35-43-5-4(10)).
- (18) Bribery (IC35-44.1-1-2).
- (19) Official misconduct (IC35-44.1-1-1).
- (20) Conflict of interest (IC35-44.1-1-4).
- (21) Perjury (IC35-44.1-2-1).
- (22) Obstruction of justice (IC35-44.1-2-2).
- (23) Intimidation (IC35-45-2-1).
- (24) Promoting prostitution (IC35-45-4-4).
- (25) Professional gambling (IC35-45-5-3).
- (26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
- (27) Promoting professional gambling (IC35-45-5-4).
- (28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (29) Dealing in ~~or manufacturing~~ methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2).**
- (30) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (32) Dealing in a schedule V controlled substance (IC35-48-4-4).
- (33) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (34) Money laundering (IC35-45-15-5).
- (35) A violation of IC 35-47.5-5.
- (36) A violation of any of the following:
 - (A) IC 23-14-48-9.
 - (B) IC 30-2-9-7(b).
 - (C) IC 30-2-10-9(b).
 - (D) IC 30-2-13-38(f).

(37) Practice of law by a person who is not an attorney (IC 33-43-2-1).

(38) Dealing in a synthetic drug or synthetic drug lookalike substance (IC35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

SECTION 103 IC 35-46-1-4, AS AMENDED BY P.L.168-2014, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

- (1) places the dependent in a situation that endangers the dependent's life or health;
- (2) abandons or cruelly confines the dependent;
- (3) deprives the dependent of necessary support; or
- (4) deprives the dependent of education as required by law;

commits neglect of a dependent, a Level 6 felony.

(b) However, the offense is:

- (1) a Level 5 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:
 - (A) results in bodily injury; or

(B) is:

- (i) committed in a location where a person is violating IC 35-48-4-1 (dealing in cocaine or a narcotic drug), ~~or~~ IC 35-48-4-1.1 (dealing in methamphetamine), **or IC 35-48-4-1.2 (manufacturing methamphetamine);** or
- (ii) the result of a violation of IC 35-48-4-1 (dealing in cocaine or a narcotic drug), ~~or~~ IC 35-48-4-1.1 (dealing in methamphetamine), **or IC 35-48-4-1.2 (manufacturing methamphetamine);**

- (2) a Level 3 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;
- (3) a Level 1 felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and results in the death of a dependent who is less than fourteen (14) years of age; and
- (4) a Level 5 felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:

- (A) deprives a dependent of necessary food, water, or sanitary facilities;
- (B) consists of confinement in an area not intended for human habitation; or
- (C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.

(c) It is a defense to a prosecution based on an alleged act under this section that:

- (1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age with an emergency medical provider who took custody of the child under IC 31-34-2.5 when:

- (A) the prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider; and
- (B) the alleged act did not result in bodily injury or serious bodily injury to the child; or

- (2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.

(d) Except for property transferred or received:

- (1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or
- (2) under section 9(b) of this chapter;

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Level 6 felony.

SECTION 14. IC 35-46-1-8, AS AMENDED BY P.L.158-2013, SECTION 554, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is:

(1) a Level 5 felony if:

- (A) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:

- (i) an alcoholic beverage to a person less than eighteen (18) years of age in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was less than eighteen (18) years of age; or
- (ii) a controlled substance (as defined in

IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and

(B) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person; and

(2) a Level 6 felony if the person committing the offense knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under any of the following:

(A) IC 35-48-4-1.

(B) IC 35-48-4-1.1.

(C) IC 35-48-4-1.2.

~~(D)~~ IC 35-48-4-2.

~~(E)~~ IC 35-48-4-3.

~~(F)~~ IC 35-48-4-4.

~~(G)~~ IC 35-48-4-4.5.

~~(H)~~ IC 35-48-4-4.6.

~~(I)~~ IC 35-48-4-5.

SECTION 15. IC 35-47-4-5, AS AMENDED BY P.L.168-2014, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC35-42-1-1);

(2) voluntary manslaughter (IC35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(4) battery (IC35-42-2-1) as a:

(A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(5) aggravated battery (IC35-42-2-1.5);

(6) kidnapping (IC35-42-3-2);

(7) criminal confinement (IC35-42-3-3);

(8) rape (IC35-42-4-1);

(9) criminal deviate conduct (IC35-42-4-2) (before its repeal);

(10) child molesting (IC35-42-4-3);

(11) sexual battery (IC35-42-4-8) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30,

2014;

(12) robbery (IC35-42-5-1);

(13) carjacking (IC5-42-5-2) (before its repeal);

(14) arson (IC35-43-1-1(a)) as a:

(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

(15) burglary (IC35-43-2-1) as a:

(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

(16) assisting a criminal (IC35-44.1-2-5) as a:
 (A) Class C felony, for a crime committed before July 1, 2014; or
 (B) Level 5 felony, for a crime committed after June 30, 2014;

(17) resisting law enforcement (IC35-44.1-3-1) as a:
 (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(18) escape (IC35-44.1-3-4) as a:
 (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(19) trafficking with an inmate (IC35-44.1-3-5) as a:
 (A) Class C felony, for a crime committed before July 1, 2014; or
 (B) Level 5 felony, for a crime committed after June 30, 2014;

(20) criminal gang intimidation (IC35-45-9-4);

(21) stalking (IC35-45-10-5) as a:
 (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
 (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(22) incest (IC35-46-1-3);

(23) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(24) dealing in methamphetamine (IC35-48-4-1.1) **or manufacturing methamphetamine (IC35-48-4-1.2);**

(25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(26) dealing in a schedule IV controlled substance (IC35-48-4-3); or

(27) dealing in a schedule V controlled substance (IC35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony."

Page 5, after line 35, begin a new paragraph and insert:

"SECTION 19. IC 35-48-4-14.5, AS AMENDED BY P.L.168-2014, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

- (1) Ephedrine.
- (2) Pseudoephedrine.
- (3) Phenylpropanolamine.
- (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
- (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
- (6) Organic solvents.
- (7) Hydrochloric acid.
- (8) Lithium metal.
- (9) Sodium metal.
- (10) Ether.
- (11) Sulfuric acid.
- (12) Red phosphorous.
- (13) Iodine.
- (14) Sodium hydroxide (lye).
- (15) Potassium dichromate.
- (16) Sodium dichromate.
- (17) Potassium permanganate.

- (18) Chromium trioxide.
- (19) Benzyl cyanide.
- (20) Phenylacetic acid and its esters or salts.
- (21) Piperidine and its salts.
- (22) Methylamine and its salts.
- (23) Isosafrole.
- (24) Safrole.
- (25) Piperonal.
- (26) Hydriodic acid.
- (27) Benzaldehyde.
- (28) Nitroethane.
- (29) Gamma-butyrolactone.
- (30) White phosphorus.
- (31) Hypophosphorous acid and its salts.
- (32) Acetic anhydride.
- (33) Benzyl chloride.
- (34) Ammonium nitrate.
- (35) Ammonium sulfate.
- (36) Hydrogen peroxide.
- (37) Thionyl chloride.
- (38) Ethyl acetate.
- (39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

- (1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or
- (2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

- (1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or
- (2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(d) Subsection (b) does not apply to a:

- (1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or
- (2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:
 - (A) the location in which the substance is stored;
 - (B) the possession of the substance in a variety of:
 - (i) strengths;
 - (ii) brands; or
 - (iii) types; or

(C) the possession of the substance:

- (i) with different expiration dates; or
- (ii) in forms used for different purposes.

(e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a Level 6 felony.

(f) An offense under subsection (e) is a Level 5 felony if the person possessed:

- (1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance; or
- (2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within five hundred (500) feet of:

- (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
- (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a Level 6 felony. However, the offense is a Level 5 felony if the person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

(h) This subsection does not apply to a drug containing ephedrine, pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:

(1) has been convicted of:

- (A) dealing in methamphetamine (IC35-48-4-1.1) **or manufacturing methamphetamine (IC35-48-4-1.2);**
- (B) possession of more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine (subsection (b));
- (C) possession of anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine (subsection (c));
- (D) possession of two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance (subsection (e)); or
- (E) unlawful sale of a precursor (subsection (g)); and

(2) not later than seven (7) years from the date the person was sentenced for the offense;

knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a methamphetamine offender, a Level 6 felony.

SECTION 20. IC 35-48-4-15, AS AMENDED BY P.L.217-2014, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. If a person is convicted of an offense under section 1, 1.1, **1.2**, 2, 3, 4, or 10 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court may, in addition to any other order the court enters, order that the person's driving privileges be suspended by the bureau of motor vehicles for a period specified by the court of not more than two (2) years.

SECTION 21. IC 35-50-5-3, AS AMENDED BY P.L.180-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided in subsection (i), (j), (l), or (m), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

- (1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or

replacement if repair is inappropriate);

(2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;

(3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;

(4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and

(5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), (i), (j), (l), or (m), is a judgment lien that:

- (1) attaches to the property of the person subject to the order;
- (2) may be perfected;
- (3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and
- (4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

(1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:

- (A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and
- (B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or

(2) a probation department that shall forward restitution or part of restitution to:

- (A) a victim of a crime;
- (B) a victim's estate; or

(C) the family of a victim who is deceased.

The victim services division of the Indiana criminal justice institute shall deposit the restitution it receives under this subsection in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) When a restitution order is issued under subsection (a), (i), (j), (l), or (m), the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. The restitution order must include the following information:

- (1) The name and address of the person that is to receive the restitution.
- (2) The amount of restitution the person is to receive.

Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket in the manner prescribed by IC 33-32-3-2. The clerk shall also notify the department of insurance of an order of restitution under subsection (i).

(e) An order of restitution under subsection (a), (i), (j), (l), or (m), does not bar a civil action for:

- (1) damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damage that is the basis of restitution ordered by the court; and
- (2) other damages suffered by the victim.

(f) Regardless of whether restitution is required under subsection (a) as a condition of probation or other sentence, the restitution order is not discharged by the completion of any probationary period or other sentence imposed for a felony or misdemeanor.

(g) A restitution order under subsection (a), (i), (j), (l), or

(m), is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6, IC 34-1-12, or IC 34-2-7 before their repeal).

(h) The attorney general may pursue restitution ordered by the court under subsections (a) and (c) on behalf of the victim services division of the Indiana criminal justice institute established under IC 5-2-6-8.

(i) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or received, or for which the convicted person conspired. The restitution order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

- (1) The gross income or value to the person of the victim's labor or services.
- (2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:
 - (A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or
 - (B) IC 22-2-2 (Minimum Wage);
 whichever is greater.

(l) The court shall order a person who:

- (1) is convicted of dealing in methamphetamine under IC 35-48-4-1.1 **or manufacturing methamphetamine under IC 35-48-4-1.2**; and
- (2) manufactured the methamphetamine on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of ten thousand dollars (\$10,000) or to pay actual damages to the property owner, including lost rent and the costs of decontamination by an inspector approved under IC 13-14-1-15.

(m) The court shall order a person who:

- (1) is convicted of dealing in marijuana under IC 35-48-4-10(a)(1)(A); and
- (2) manufactured the marijuana on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of two thousand dollars (\$2,000)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1211 as printed January 29, 2016.)

WASHBURN

Motion prevailed. The bill was ordered engrossed.

House Bill 1213

Representative Dermody called down House Bill 1213 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1228

Representative Arnold called down House Bill 1228 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1247

Representative Eberhart called down House Bill 1247 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1247-3)

Mr. Speaker: I move that House Bill 1247 be amended to read as follows:

Page 1, line 5, delete "(a)".

Page 1, line 10, delete "(b)" and insert "**Sec. 2.**".

Page 1, line 10, delete "section" and insert "**chapter**".

Page 1, line 15, delete "(c)" and insert "**Sec. 3.**".

Page 1, line 17, delete "(d)" and insert "**Sec. 4.**".

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 5. Except as provided in sections 2 and 3 of this chapter, an entity that operates on state park property under a permit issued by the commission to:

- (1) the department of natural resources under this chapter; or**
- (2) the entity under this article;**

shall operate within the park property in accordance with the provisions of this title that regulate the sale and use of alcoholic beverages, e-liquid (as defined in IC 7.1-7-2-10), and tobacco products (as defined in IC 7.1-6-1-3)."

(Reference is to HB 1247 as printed January 29, 2016.)

EBERHART

Motion prevailed. The bill was ordered engrossed.

House Bill 1259

Representative Speedy called down House Bill 1259 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1267

Representative Lehe called down House Bill 1267 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1288

Representative Richardson called down House Bill 1288 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1288-1)

Mr. Speaker: I move that House Bill 1288 be amended to read as follows:

Page 1, delete lines 9 through 17, begin a new paragraph and insert:

"SECTION 2. IC 3-6-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection section does not apply to the proprietor or manager of a residential mental health facility. The proprietor or manager of each:

- (b) As used in this section, "place of lodging" refers to**

any of the following:

- (1) A boarding house.
- (2) A lodging house.
- (3) A residential building.
- (4) An apartment. ~~or~~
- (5) Any other place within which persons are lodged.

(c) ~~The proprietor or manager of a place of lodging shall maintain a complete and accurate list of all residents so domiciled during the period beginning seventy (70) days before each election and ending fifty (50) days before the election: at the place of lodging.~~

~~(b) (d)~~ The proprietor, manager, or association of co-owners of a condominium (as defined in IC 32-25-2-7) shall maintain a complete and accurate list of all residents of the condominium. ~~during the period beginning seventy (70) days before each election and ending fifty (50) days before the election:~~

~~(e) (e)~~ The proprietor, manager, or association of co-owners of a condominium association shall allow:

- (1) a poll taker for a political party or an independent candidate for a federal or a state office; ~~is entitled or~~
- (2) a person wanting to assist residents to register to vote or complete an absentee ballot application;

to enter a place ~~described in subsection (a) of lodging~~ or a condominium during reasonable hours to take a poll of residents ~~or assist residents to register to vote or complete an absentee ballot application.~~

SECTION 3. IC 3-6-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The list required by section 5 of this chapter must state the following:

- (1) Name and address (including apartment, room, or unit number) of each person residing:
 - (A) at the place of lodging listed in section ~~5(a)~~ **5(b)** of this chapter; or
 - (B) in the condominium.
- (2) Address of each vacant place of lodging or living unit of the condominium.

SECTION 4. IC 3-6-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The proprietor, manager, or association of co-owners shall retain **and update** the list required by section 5 of this chapter ~~for at least forty (40) days after the election: as residents move in and out of the place of residence or condominium.~~

(b) The list required by section 5 of this chapter shall be submitted to each ~~poll taker person described in section 5(e) of this chapter~~ for examination within ten (10) days after a request. The proprietor, manager, or association and the ~~poll taker person~~ may agree that the list will be mailed to the ~~poll taker person~~ or will be available at the place of lodging or condominium. If no agreement can be reached, the list shall be made available at the place of lodging or the condominium.

(c) If the proprietor, manager, or association of co-owners does not:

- (1) permit a ~~poll taker for a political party or an independent candidate for a federal or a state office person~~ to enter the place or condominium ~~under for purposes described in section 5(c) 5(e) of this chapter;~~
- (2) maintain a complete and accurate list as required under **this section** and section 5 of this chapter; or
- (3) provide the list required under this section ~~to a political party upon request; as provided in section 5(e) of this chapter;~~

the chairman of the county election board of the county in which the place or condominium is located shall call a meeting of the board under IC 3-6-5.

(d) The secretary of the county election board shall notify the proprietor, manager, or association of the meeting by certified mail, return receipt requested.

(e) The county election board shall receive evidence concerning violations of this section and, if the board determines that reasonable cause exists to believe that a

violation has occurred, forward a copy of the minutes of the meeting to the prosecuting attorney of the county in which the place or condominium is located for proceedings under IC 34-28-5.

SECTION 5. IC 3-6-11-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. ~~An organization that takes A poll of voters under person described in section 5(e) of this chapter or a poll taker taking the poll may not do either of the following:~~

- (1) Use the ~~poll~~ list for any purpose except ~~conducting a campaign or voter registration or a purpose described in section 5(e) of this chapter.~~
- (2) Give, loan, sell, or transfer the ~~poll~~ list to a person who intends to use the list for any purpose except ~~conducting a campaign or voter registration a purpose described in section 5(e) of this chapter.~~

SECTION 6. IC 3-14-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. ~~An organization A person that violates IC 3-6-11-7.5 commits a Class C infraction."~~

Delete page 2.

Page 3, delete lines 1 through 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1288 as printed January 29, 2016.)

BARTLETT

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 108: yeas 29, nays 65. Motion failed. The bill was ordered engrossed.

House Bill 1300

Representative Wolkins called down House Bill 1300 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1300-1)

Mr. Speaker: I move that House Bill 1300 be amended to read as follows:

Page 14, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 23. IC 13-26-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Just and equitable rates and charges are those that: ~~produce sufficient revenue to:~~

- (1) **produce sufficient revenue** to pay all expenses incident to the operation of the works, including maintenance cost, operating charges, upkeep, repairs, and interest charges on bonds or other obligations;
- (2) **produce sufficient revenue** to provide the sinking fund for the liquidation of bonds or other evidence of indebtedness and reserves against default in the payment of interest and principal of bonds; ~~and~~
- (3) **produce sufficient revenue** to provide adequate money to be used as working capital, as well as money for making improvements, additions, extensions, and replacements; **and**
- (4) **give due consideration to the interests of the ratepayers.**

(b) Rates and charges too low to meet the financial requirements described in subsection (a) are unlawful. The initial rates and charges established after notice and hearing under this article are prima facie just and equitable.

(c) **Nothing in this section shall prohibit a district authority from examining the methodology or process by which rates and charges were derived."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1300 as printed January 29, 2016.)

LEHMAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1337

Representative Cox called down House Bill 1337 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1337-1)

Mr. Speaker: I move that House Bill 1337 be amended to read as follows:

Replace the effective date in SECTION 5 with "[EFFECTIVE JULY 1, 2016]".

Replace the effective date in SECTION 11 with "[EFFECTIVE JULY 1, 2016]".

(Reference is to HB 1337 as printed January 29, 2016.)

COX

Motion prevailed. The bill was ordered engrossed.

House Bill 1369

Representative McNamara called down House Bill 1369 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1390

Representative Smaltz called down House Bill 1390 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1390-1)

Mr. Speaker: I move that House Bill 1390 be amended to read as follows:

Page 1, line 3, delete "JULY" and insert "JUNE".

Page 4, line 8, delete "January 1, 2017," and insert "**July 1, 2016,**".

Page 4, line 32, delete "JULY" and insert "JUNE".

Page 10, after line 38, begin a new paragraph and insert: "SECTION 5. **An emergency is declared for this act.**".

(Reference is to HB 1390 as printed January 29, 2016.)

SMALTZ

Motion prevailed. The bill was ordered engrossed.

With consent of the members, the Speaker returned to bills on third reading.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1373

Representative Borders called down Engrossed House Bill 1373 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 109: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Tomes and Messmer.

Representative Huston is excused.

Engrossed House Bill 1034

Representative Pryor called down Engrossed House Bill 1034 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 110: yeas 95, nays 0. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse, Rogers and Breaux.

Engrossed House Bill 1017

Representative Torr called down Engrossed House Bill 1017 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 111: yeas 88, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 638 p.m. with the Speaker in the Chair.

With consent of the members, the Speaker returned to bills on second reading.

HOUSE BILLS ON SECOND READING

House Bill 1395

Representative Behning called down House Bill 1395 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1395-4)

Mr. Speaker: I move that House Bill 1395 be amended to read as follows:

Page 5, line 4, delete "twenty-four (24)" and insert "**twenty-six (26)**".

Page 5, line 37, delete "Three (3)" and insert "**Four (4)**".

Page 6, between lines 1 and 2, begin a new line double block indented and insert:

"(D) One (1) member representing higher education."

Page 6, line 2, delete "Three (3)" and insert "**Four (4)**".

Page 6, between lines 8 and 9, begin a new line double block indented and insert:

"(D) One (1) member representing a school employee organization (as defined in IC 20-29-2-14)."

Page 6, line 23, delete "thirteen (13)" and insert "**fourteen (14)**".

Page 6, line 24, delete "thirteen (13)" and insert "**fourteen (14)**".

(Reference is to HB 1395 as printed January 29, 2016.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 1395-6)

Mr. Speaker: I move that House Bill 1395 be amended to read as follows:

Page 8, delete lines 3 through 9.

Renumber all SECTIONS consecutively.

(Reference is to HB 1395 as printed January 26, 2016.)

DELANEY

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll

Call 112: yeas 34, nays 60. Motion failed.

HOUSE MOTION
(Amendment 1395-5)

Mr. Speaker: I move that House Bill 1395 be amended to read as follows:

Page 7, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2015 (RETROACTIVE)] (a) The definitions in IC 20 apply throughout this SECTION.

(b) Notwithstanding IC 20-51-1-4.3, an individual is not eligible to receive a choice scholarship under IC 20-51-4 for the 2016-2017 school year if the individual would otherwise be considered an eligible choice scholarship student under IC 20-51-1-4.3(3)(B) and initially enrolls in an eligible school for the 2016-2017 school year. This section in no way prohibits an eligible choice scholarship student under IC 20-51-1-4.3(3)(B) who attended the eligible school during the 2015-2016 school year from re-enrolling in the eligible school for the 2016-2017 school year.

(c) This SECTION expires July 1, 2017."

Renumber all SECTIONS consecutively.

(Reference is to HB 1395 as printed January 29, 2016.)

V. SMITH

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

With consent of the members, the Speaker returned to bills on third reading.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1005

Representative DeVon called down Engrossed House Bill 1005 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 113: yeas 78, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Engrossed House Bill 1046

Representative Beumer called down Engrossed House Bill 1046 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 114: yeas 74, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman, Kruse and Raatz.

Engrossed House Bill 1164

Representative Mahan called down Engrossed House Bill 1164 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 115: yeas 71, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Crider and Holdman.

Engrossed House Bill 1394

Representative Behning called down Engrossed House Bill 1394 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 116: yeas 86, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pete Miller and Taylor.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 2, 2016, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Frye, Sullivan and Braun be added as coauthors of House Bill 1001.

SOLIDAY

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representative Cox be added as coauthor of House Bill 1015.

BAUER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Bosma, Klinker, Mayfield, Truitt, Riecken, Davisson, C. Brown, Summers, Bartlett, Harris, Shackleford, Clere, Goodin, Forestal, Cook, Hamm, Schaibley, Ellington, Zent, Burton, Richardson, McNamara, Torr, Kirchhofer, Errington and Rhoads be added as coauthors of House Bill 1034.

PRYOR

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Niezgodski and Wolkins be added as coauthors of House Bill 1075.

BEUMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Goodin and Baird be added as coauthors of House Bill 1082.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representative Hamm be added as coauthor of House Bill 1137.

STEMLER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Bacon be added as coauthors of House Bill 1156.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Wright, Schaibley, Hale, Olthoff, Macer, McNamara, Lawson, Richardson, Shackelford, Pryor, Harris, Errington and Riecken be added as coauthors of House Bill 1173.

NEGELE

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representative Sullivan be added as coauthor of House Bill 1177.

KIRCHHOFFER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Nisly and Ziemke be added as coauthors of House Bill 1183.

FRIZZELL

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Fine and Lucas be added as coauthors of House Bill 1209.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Friend, Klinker and Moed be added as coauthors of House Bill 1228.

ARNOLD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Bacon, Errington, Lucas, Ellington, Morrison, DeVon, McNamara and VanNatter be added as coauthors of House Bill 1231.

ARNOLD

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Eberhart and Bacon be added as coauthors of House Bill 1263.

KIRCHHOFFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Wesco, Cox and GiaQuinta be added as coauthors of House Bill 1288.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Bosma, Heaton, Kersey, Arnold, Morrison, Culver, McNamara, Miller, Beumer, Davisson, Harman, Hale, Stemler and Riecken be added as coauthors of House Bill 1390.

SMALTZ

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanNatter be added as coauthor of House Concurrent Resolution 15.

KARICKHOFF

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 17 and the same is herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill 12 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 16, 17 and 19 and the same are herewith transmitted to the House for

further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative Harris, the House adjourned at 7:53 p.m., this first day of February, 2016, until Tuesday, February 2, 2016, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives